



Council is revamping the roads and drainage system in lower Gwandalan, to reduce the risk of flooding to homes in the area after heavy rain. At Noamunga Crescent (pictured) Council installed underground drainage pipes, new kerb and gutter and a gross pollutant trap to filter stormwater before it enters Lake Macquarie.

# Business Paper

ORDINARY MEETING

**27 October 2010**



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# MEETING NOTICE

**The ORDINARY MEETING  
of Wyong Shire Council  
will be held in the Council Chamber,  
Wyong Civic Centre, Hely Street, Wyong on  
Wednesday 27 October 2010 at 5.00 pm,  
for the transaction of the business listed below:**

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

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At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2010/00009 - D02395269

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Jacquie Elvidge, Administration Assistant

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

### RECOMMENDATION

***That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.***

## **1.2 Address By Invited Speakers**

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TRIM REFERENCE: F2010/00009 - D02395274

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Jacquie Elvidge, Administration Assistant

### **SUMMARY**

There have been no requests to address the Ordinary Meeting at the time of printing the Business Paper.

### **RECOMMENDATION**

- 1** *That Council receive the report on Invited Speakers.*
- 2** *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2010/00009 - D02395287

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Jacquie Elvidge, Administration Assistant

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 13 October 2010.

#### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 13 October 2010.***

#### **ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Council - 13 October 2010      D02397184

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 13 October 2010  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Environment and Planning, Acting Director Infrastructure Management, Director Corporate Services, Manager Development Assessment, General Counsel and Project Director Mardi to Mangrove Project.

Manager Corporate Governance, Chief Financial Officer, Electrical Services Engineer and three administration staff.

Councillor Wynn spoke briefly about:

- \* her attendance at the Rural Bush Fire Brigade Day held at Charmhaven recently and encouraged others to attend local brigades across the Shire. She spoke highly of the endeavours of the volunteers.
- \* an invitation for her to participate as a panellist / presenter at the Institute of Local Government Internal Auditors Conference to be held in Sydney on 5 November 2010. As this conference is the premier local government event for auditors, she urged interested Councillors to attend.

The General Manager presented an Award recently received from the Minister for Sport and Recreation, the Hon Kevin Greene. The high commendation for Community Education Program of the Year was awarded for Council's involvement in the Beach Safety Education Program. He thanked the life guards and other Open Space and Recreation staff involved with this program.

The Mayor, Councillor Eaton, declared the meeting open at 5.07 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

**APOLOGIES**

There were no apologies.



Report no 3.2 – DA/1505/2009 – Fit Out and Occupation of an Existing Premises as a Liquor Store at Toukley was dealt with at the conclusion of the meeting in open session following discussions in confidential session. However for the sake of clarity the reports are recorded in their correct agenda sequence.

## **1.1 Disclosure of Interest**

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### **2.1 Mayoral Minute – Attendance Tuggerah Lakes Mardi Gras Ball in the Mall**

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of the organisers, The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

*“I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”*

### **4.3 Classification of Land – Warnervale Road**

Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he lives in Warnervale Road nearby this land, and participated in consideration of this matter.

Councillor McNamara stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”*

## **10.1 Efficiencies and Power Pricing Options**

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 9.20 pm took no part in discussion, did not vote and returned to the chamber at 9.30 pm.

***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:***

***That Council receive the report on Disclosure of Interest and note advice of disclosures.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

At this point in the meeting the General Manager introduced Robert Fulcher, Acting Director Infrastructure Management and Brian Glendenning, General Counsel.

## 1.2 Address By Invited Speakers

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN:**

- 1 That Council receive the amended report on Invited Speakers.
- 2 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## 1.3 Confirmation of Minutes of Previous Meeting

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN:**

***That Council confirm the minutes of the Extraordinary Meeting held on 15 September 2010 and the previous Ordinary Meeting of Council held on 22 September 2010.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## Business Arising

Councillor Eaton reminded Councillors that a breach of the Code of Conduct is also a breach of the Code of Meeting Practice and it is a breach of the Code of Conduct to accuse a Councillor in a Council meeting of a breach of the Code of Conduct. He apologised for not making that ruling at the last meeting and asked the involved Councillor to apologise.

## 1.4 Governance Committee Chairman's Report

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Mr David Holmes, Chairperson of the Governance Committee, addressed the meeting at 05.14 pm, answered questions and retired at 05.50 pm.

Councillor Graham left the meeting at 05:30 pm and returned to the meeting at 05:31 pm during consideration of this item.

*A MOTION was MOVED by Councillor WYNN and SECONDED by Councillor MATTHEWS:*

- 1 That Council receive the Governance Committee Chairman's Report.
- 2 That Council invite Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

AN AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor EATON:

- 1 That Council receive the Governance Committee Chairman's Report.
- 2 That Council note with concern the failure of the governance framework to deal with the serious legislative non-compliance issues of the Department of Local Government enquiry/body hire and Department Environment Climate Change prosecutions.
- 3 That Council invite the Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

**The AMENDMENT was put to the VOTE and declared CARRIED.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

**RESOLVED on the motion of Councillor BEST and seconded by Councillor EATON:**

- 1 That Council receive the Governance Committee Chairman's Report.
- 2 That Council note with concern the failure of the governance framework to deal with the serious legislative non-compliance issues of the Department of Local Government enquiry/body hire and Department Environment Climate Change prosecutions.
- 3 That Council invite the Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

## **2.1 Mayoral Minute - Attendance Tuggerah Lakes Mardi Gras, The Ball in the Mall**

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Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of the organisers, The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

*"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

**RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WEBSTER:**

**That Council support this regional event by sponsoring attendance at The Ball in the Mall for interested Councillors and their partners.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **2.2 Mayoral Minute - Wyong Water Study**

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Councillor McBride left the meeting at 06:14 pm and returned to the meeting at 06:16 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor GRAHAM:**

- 1 That Council raise serious concerns with the Premier regarding the Wyong Water Study commissioned by the then Minister for Planning, Kristina Keneally, which acknowledges a serious data deficiency in the baseline data used by Kores in the preparation of its environmental assessment and that the absence of such data raises serious questions regarding the validity of the groundwater model.**
- 2 That Council call on the Minister for Planning and Director General of the Department of Planning to uphold the commitment given by the Director General that the author of the State Government commissioned Wyong Water Study, Mr Ray Evans, be required to appear before the Planning Assessment Commission (PAC) to highlight these deficiencies to the PAC.**
- 3 That taking into account, the significance of this issue to the Central Coast community, Council express its disappointment to the Chair of the PAC and the Minister for Planning regarding the limited time being offered to both Council and the community to make presentations to the PAC, and endorse the staff's request for extra time.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **3.1 DA/1112/2009 - Change of use from a Carpet Warehouse and Showroom to a Retail Premises (Liquor Shop) under Existing Use Provisions at Kanwal**

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**RESOLVED unanimously on the motion of Councillor MCNAMARA and seconded by Councillor BEST:**

***That Council defer the application pending the applicant being invited to discuss with the General Manager and Mayor, alternate more appropriate uses of the site which may require a rezoning. Subject to a positive outcome from such discussions, the applicant be required to withdraw the application.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**3.2 DA/1505/2009 - Fit Out and Occupation of an Existing Premises as a Liquor Store at Toukley**

---

This report was dealt with at the conclusion of the meeting in open session following discussions in confidential session.

**RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council consider this matter following receipt of legal advice from Council's General Counsel in Confidential Session at the end of the meeting.**

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLOR BEST

A MOTION was MOVED by Councillor BEST and SECONDED by Councillor VINCENT:

- 1 That Council refuse the application of DA/1505/2009 by Mr Paul Levenspiel.
- 2 That Council confirm it has considered the matter detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 3 That Council cite its reasons for refusal as:
  - a Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the provisions of the Wyong Development Control Plan 2005 Chapter 61 – Parking, Clause 8.0 in that the car park design does not facilitate the entry and exit of vehicles from the parking area to Choys Lane or Ray Street in a forward direction.
  - b Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposal will exacerbate existing social, amenity and traffic issues in the immediate area.
  - c Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the development proposed as it is likely to have a detrimental impact upon the users of the adjoining public open space in Ray Street.
  - d Pursuant to Section 79C (1)(d) of the Environmental Planning and Assessment Act 1979 the concerns raised in submissions relating to clustering of liquor outlets in the Toukley area and associated increase in antisocial behaviour have not been adequately addressed by the proposal.
  - e Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it will introduce more alcohol into an area already experiencing issues arising from the abuse of alcohol.
  - f Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given the general area is frequented by children in large numbers

AN AMENDMENT was *MOVED* by Councillor GRAHAM and *SECONDED* by Councillor SYMINGTON:

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in Attachment 2.
- 2 That Council advise those who made written submissions of its decision.

**The AMENDMENT was put to the VOTE and declared CARRIED.**

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON AND WEBSTER  
 AGAINST: COUNCILLORS BEST, VINCENT AND WYNN

**RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor SYMINGTON:**

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in Attachment 2.
- 2 That Council advise those who made written submissions of its decision.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON AND WEBSTER  
 AGAINST: COUNCILLORS BEST, VINCENT AND WYNN

### **3.3 TA 84/2010 - Section 82A Application For The Removal of Seven Trees at 92 Panorama Avenue, Charmhaven**

A MOTION was *MOVED* by Councillor MCNAMARA and *SECONDED* by Councillor WEBSTER:

That Council approve the removal of all seven trees on the condition that replacement planting takes place on a nearby reserve of endemic species with a minimum of size of 25 litres at a 2:1 ratio at full cost to the applicant.

AN AMENDMENT was *MOVED* by Councillor WYNN and *SECONDED* by Councillor SYMINGTON:

- 1 That Council approve the removal of trees 1, 3, 4, 5 and 6.
- 2 That Council require the replacement of the removed trees with indigenous plantings of various sizes of 25 litres to 100 litres and this takes place at appropriate sites in the locale to create a contiguous canopy for fauna at the full cost to the applicant.

**The AMENDMENT was put to the VOTE and declared LOST.**

FOR: COUNCILLORS SYMINGTON AND WYNN  
 AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

**RESOLVED on the motion of Councillor MCNAMARA and seconded by Councillor WEBSTER:**

***That Council approve the removal of all seven trees on the condition that replacement planting takes place on a nearby reserve of endemic species with a minimum of size of 25 litres at a 2:1 ratio at full cost to the applicant.***

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS BEST, SYMINGTON AND WYNN

**4.1 Proposed Lease to Uniting Care Burnside of Part of Lake Munmorah Hall, Lot 8031 DP 755266 at Colongra Bay Drive, Lake Munmorah**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:**

- 1 That Council approve a lease of Part of Lot 8031 DP 755266 at Colongra Bay Drive, Lake Munmorah to Uniting Care Burnside for a period of five years at nominal rent.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Uniting Care Burnside.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**
- 4 That Council officers prepare a plan of management on the use by Uniting Care Burnside to ensure that the users of the residual part of the building are respected.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.2 Lease of Adelaide Street Tennis Courts Site**

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Councillor Wynn left the meeting at 07:29 pm and returned to the meeting at 07:31 pm during consideration of this item.

Councillor Vincent left the meeting at 07:31 pm and returned to the meeting at 07:32 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WEBSTER:**

- 1 That Council lease part of Crown Reserve 63621 for Public Recreation, being the site of the tennis court complex in Adelaide Street, Killarney Vale to Mr Brett Wales.**
- 2 That Council approve a lease term of five years at a commencing rent of \$5,000 per annum for the purpose of all weather small sided soccer.**

- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Mr Brett Wales.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the lease between the Wyong Shire Council and Mr Brett Wales.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **4.3 Classification of Land - Lot 239 DP 1152170 at Warnervale Road, Hamlyn Terrace**

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Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he lives in Warnervale Road nearby this land, and participated in consideration of this matter.

Councillor McNamara stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor WYNN:**

- 1 That Council classify Council land Lot 239 DP 1152170 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM that Council adopt the recommendations contained in report numbers 5.1, 5.3, 5.4, 5.5 and 5.6.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL



**5.1 Contract CPA/182962 - Supply and Delivery of Road Bottom Ash**

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**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

- 1 That Council accept Tender No. 1 from Boral Resources (NSW) Pty Ltd as the preferred supplier of Road Bottom Ash for a period of 36 months commencing on 1 December 2010.**
- 2 That Council note the estimated annual expenditure for this contract is \$186,028 (ex GST). Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.2 Contract CPA/184901 - Estuary Management Plan - Stormwater Treatment Works Project - Gascoigne Road, Gorokan**

---

**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:**

- 1 That Council accept the tender from Murphy McCarthy & Associates Pty Ltd for \$308,565.00 (excl GST) to provide the Stormwater Treatment Works Project, Gascoigne Road, Gorokan (Contract CPA/184901).**
- 2 That Council note the contract amount is an estimate derived from the offer for a Lump Sum amount and a Schedule of Rates for estimated work.**
- 3 That Council approve a contract budget of \$339,421.50 (excl GST) for Contract CPA/184901.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.3 Contract CPA/184904 - Estuary Management Plan - Stormwater Treatment Works Project - Catalina Road, San Remo.**

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**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

- 1 That Council accept the tender from Murphy McCarthy & Associates in the estimated combined lump sum and schedule of rates total amount of \$413,964.00 (excl GST) for Contract CPA/184904 – 184904 – Estuary Management Plan – Stormwater Treatment Works Project – Catalina Road, San Remo.**
- 2 That for Contract CPA/184904, Council approve a contract budget of \$455,360.40 (excl GST) that provides for a contingency amount of \$41,396.40 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**5.4 Contract CPA/184718 Hire of Compactor and Traxcavator for the Operation of Buttonderry Waste Management Facility**

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**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

- 1 That Council accept tender No 4 from Homac Pty Ltd for a period of five years commencing on 24 January 2011 subject to the execution of a Deed of Guarantee and Indemnity by JA and CJ Hooper (Directors of Homac Pty Ltd).**
- 2 That Council approve an estimated contract budget as outlined in the confidential attachment.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**5.5 Contract CPA/182828 - Supply and Delivery of Road Sealing Aggregates**

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**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

- 1 That Council accept Tender No. 1 from Hanson Construction Materials Pty Ltd as the preferred supplier of Road Sealing Aggregates for a period of 36 months commencing on 1 December 2010.**
- 2 The Council note the estimated annual expenditure for this contract is \$163,798 (ex GST). Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**5.6 Contract - CPA/184771 Supply and Delivery of Steel Reinforced and Fibre Reinforced Stormwater Pipe**

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**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

- 1 That, Council agree to the contract between Hunter Councils Inc. and Holcim (Australia) Pty Ltd T/as Humes for the supply and delivery of Steel Reinforced Concrete Pipe, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 2 That Council note the estimated annual expenditure against this contract is \$111,904 (ex GST). Actual expenditure may vary with fluctuations in demand.**
- 3 That, Council agree to the contract between Hunter Councils Inc. and James Hardie Australia Pty Ltd for the supply and delivery of Fibre Reinforced Concrete Pipe, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**

- 4 That Council note the estimated annual expenditure against this contract is \$100,373 (ex GST). Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **6.1 2009 - 2010 Annual Financial Reports**

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**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor GRAHAM:**

- 1 That Council adopt the draft Wyong Shire Council financial statements for 2009/10 as presented.**
- 2 That Council refer the draft Wyong Shire Council financial statements for 2009/10 (as presented) to external audit.**
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2009/10 financial reports as required by legislation.**
- 5 That Council fix 27 October 2010 as the date for the presentation of the audited 2009/10 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **6.2 Installation of Solar Panels Progress Report**

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Councillor Best left the meeting at 07:56 pm and returned to the meeting at 07:58 pm during consideration of this item.

Councillor Symington left the meeting at 07:56 pm and returned to the meeting at 07:58 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:**

- 1 That Council write to the General Manager of Energy Australia and urgently seek clarification of Energy Australia's interpretation of Council's participation in the Solar Bonus Scheme.**
- 2 That should Energy Australia confirm that Council cannot participate in the NSW Solar Bonus Scheme where it is the electricity account holder, Council lobby the State Government via the Minister for Energy the Hon. Paul Lynch and the Director-General, Dept of Industry & Investment, Dr Richard Sheldrake for a change in policy.**
- 3 That, based on the economic, social and environmental benefits, Council continue with installation of solar panels (as per the list previously approved by Council) and receive the Federal Government subsidy.**

- 4 That subject to resolutions 1 and 2 above, net metering **be installed** at sites where the solar bonus scheme does not apply and gross metering be installed to allow participation in the Solar Bonus Scheme at sites where Council is the asset owner and a community group is the electricity account holder.
- 5 That subject to resolution 4, amendments **be made** to S355 Committee and leasing arrangements where solar panels have been installed by Council with a view to sharing the Solar Bonus payments.
- 6 That Council **urgently** contact the Member for Wyong Mr David Harris MP and implore him to intercede on Council's behalf immediately to make sure that all Councils are treated equally and we in Wyong receive the same treatment as Fairfield City Council.
- 7 That Council **authorise** the General Manager to obtain legal advice in respect to this matter and take whatever actions deemed necessary.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **6.3 Councillors Attendance at Company Directors Course - Newcastle**

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**RESOLVED unanimously on the motion of Councillor SYMINGTON and seconded by Councillor WYNN:**

- 1 That Council **authorise** interested Councillors to attend the Australian Institute of Company Directors - Company Directors Course noting that attendance will consist of a maximum of three Councillors attending per financial year.
- 2 That Council **authorise** Councillors McBride, Symington and Wynn to attend the five day Company Directors Course proposed to be held at Newcastle from 9 November 2010 to 24 November 2010 subject to their availability.
- 3 That Council **reimburse** reasonable expenses incurred by Councillors attending this Course in accordance with the Councillors Facilities and Expenses Policy.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **6.4 Establishment of Alcohol Free Zone - The Entrance North**

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**RESOLVED unanimously on the motion of Councillor MCBRIDE and seconded by Councillor WEBSTER:**

- 1 That Council **prepare** a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2013:

**The Entrance North: Including Hutton Road The Entrance North and all roads leading to it from Wilfred Barrett Drive (The Central Coast Highway), as well as Hargraves and Simpson, Florida and Stewart Streets.**

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.
- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA that with the exception of report nos 6.5, 7.1, 8.3, 8.4, 8.5 and 10.1, Council adopt the recommendations contained in the remaining reports.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **6.5 Proposed Councillors' Community Improvement Grants**

**RESOLVED unanimously on the motion of Councillor MATTHEWS and seconded by Councillor VINCENT:**

- 1 That Council allocate an amount of \$3,750.00 from the 2010-11 Councillors' Community Improvement Grants with the exclusion of \$1,200.00 allocation to The Entrance Community Precinct Committee as contained in the report.
- 2 That Council rescind its previous allocation of \$900.00 to The Entrance Community Precinct Committee for the data projector.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **6.6 Rate Payment Incentive Scheme 2010-11**

**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2010-11.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

The winner of Council's ratepayer incentive scheme for 2010-11 is Mr and Mrs Small from The Entrance North (subject to verification).

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**7.1 Minutes - Wyong Shire Grants Committee Meeting - 29 September 2010**

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Councillor McNamara left the Chamber at 08.45 pm and returned to the Chamber at 08.48 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor MATTHEWS and seconded by Councillor EATON:**

- 1 That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 29 September 2010 and adopt the recommendations contained on pages 192 to 194 of the business paper.**
- 2 That the issue of self funding in accordance with Clause 1.5 be reconsidered by the Grants Committee.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**7.2 Minutes - Wyong Shire Governance Committee Extraordinary Meeting of 6 October 2010**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council receive the minutes of the Wyong Shire Governance Committee Extraordinary Meeting held on 6 October 2010 and adopt the recommendations contained therein.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**7.3 Minutes of Wyong Shire Senior Citizens Council**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council receive the report on Minutes – Wyong Shire Senior Citizens' Council Meeting – 26 August 2010 and adopt the recommendations contained therein.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**8.1 Information Reports**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council deal with the Information Reports by the Exception Method.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **8.2 Annual Disclosure of Interest Returns 2009-10**

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***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:***

***That Council receive the report on Annual Disclosure of Interest Returns 2009-10.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **8.3 Warnervale Town Centre Progress Report**

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Councillor Wynn left the Chamber at 08.55 pm and returned to the chamber at 08.56 pm during consideration of this item.

Councillor Matthews left the Chamber at 08.59 pm and returned to the chamber at 09.00 pm during consideration of this item.

***RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor VINCENT:***

***That Council receive the report on Warnervale Town Centre Progress Report.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **8.4 Mardi to Mangrove Link Project Status**

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***RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:***

***That Council receive the report on Mardi to Mangrove Link Project Status.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **8.5 Broadcasting Ordinary Council Meetings on Local Community Radio**

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***RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:***

***That Council receive the report on Broadcasting Ordinary Council Meetings on Local Community Radio.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**8.6 Information Concerning any Rates and Charges Written Off 2009-10**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council receive the report on Information Concerning any Rates and Charges Written Off 2009-10.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

**8.7 Outstanding Questions without Notice and Notice of Motions**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

**That Council receive the report on Outstanding Questions without Notice and Notice of Motions.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

**10.1 Notice of Motion - Efficiencies and Power Pricing Options**

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Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 09.20 pm took no part in discussion, did not vote and returned to the chamber at 09:30 pm.

*A MOTION was MOVED by Councillor BEST and SECONDED by Councillor WYNN:*

- 1 That Council note with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.*
- 2 Further that Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.*
- 3 That Council, as an advocate on behalf of our residents and rate payers, seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.*
- 4 That staff report to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.*
- 5 That staff report to Council on the affect on energy bills of installation of smart meters.*



AN AMENDMENT was MOVED by Councillor SYMINGTON and SECONDED by Councillor MATTHEWS:

*That Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding price hikes.*

**The AMENDMENT was put to the VOTE and declared LOST.**

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND SYMINGTON

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

**RESOLVED on the motion of Councillor BEST and SECONDED by Councillor WYNN:**

- 1 That Council note with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.**
- 2 Further that Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.**
- 3 That Council, as an advocate on behalf of our residents and rate payers, seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.**
- 4 That staff report to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.**
- 5 That staff report to Council on the affect on energy bills of installation of smart meters.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND SYMINGTON

## QUESTIONS WITHOUT NOTICE

### Q107/10 Water Leakage on Ratepayers Property

Councillor Webster

F2004/05476

*“Could staff please advise whether the policy applicable to accidental water leakage on a ratepayers property is a local policy or a state policy and how can Council assist with excessive bills?”*

**Q108/10 Swimming areas at Gwandalan and Mannering Park****Councillor Symington**

C2010/05513

*"In relation to the swimming areas at Gwandalan and Mannering Park, could staff report on the current condition and future requirement and/or replacement of the nets?"*

**Q109/10 Regional Hospital Cutbacks****Councillor Best**

F2004/11290

*"It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?"*

**Q110/10 Bus Services in our Shire's North****Councillor Best**

F2004/06706

*"A recent significant transport announcement was made by the State Government with regard to improving bus services and scheduling. This timely announcement is welcomed by the broader community, however could you please have staff confirm as to exactly what increased services residents and ratepayers will now enjoy north of the Wyong Township?"*

**CONFIDENTIAL SESSION**

***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:***

***That Council move into Confidential Session to consider legal advice which might otherwise prejudice the Council if held in open session.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**OPEN SESSION**

***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN that Council resume in open session.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**THE MEETING** closed at 9.57 pm.

## **2.1 Mayoral Minute - Improving Community Engagement**

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TRIM REFERENCE: F2010/00500 - D02398635

AUTHOR: Councillor Doug Eaton

### **Summary**

Council regularly undertakes capital and operational projects, engages with new technology and has to manage the incoming impacts of government strategies and legislation. All activity has a community engagement component from land use planning to road works.

Building on the success of the Shire Strategic Vision project, I would like to see us move to formalising a community engagement "panel" that will provide a good cross-section of community opinion on any particular issue. Such an approach will likely accurately represent the diversity of our community and play an active partnership role in informing council decision on particular issues. The key issue will be the number of people we can get to provide information/feedback on a regular basis

This "panel" would be called on to participate by email in surveys and other consultation and engagement requirements.

These panels are in place at Parramatta Council – 'Residents' Panel', Ku-ring-gai Council – 'Residents' Feedback Register' and Newcastle City Council – 'Newcastle Voice'.

### ***I formally move:***

- 1 That Council support, in principle, the establishment of a community panel to enhance consultation via electronic means.**
- 2 That Council receive a report based on a staff investigation into the establishment of statistically valid email data base to provide for community consultation via email on a regular basis.**

### **3.1 Draft Toukley Planning Strategy**

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TRIM REFERENCE: F2004/07926 - D02245562

MANAGER: Paul Bowditch, Manager Future Planning  
AUTHOR: Jonathan Luke, Team Co-ordinator, Land Use Planning

#### **SUMMARY**

Reporting on the results of the public exhibition of the draft Toukley Planning Strategy (TPS). A number of submissions have been received which have resulted in amendments to the draft Strategy. It is recommended that the revised draft Strategy be adopted.

#### **RECOMMENDATION**

- 1 That Council adopt the draft Toukley Planning Strategy.**
- 2 That Council advise the Department of Planning of its decision and forward a copy of the adopted Strategy for approval of the Director-General, pursuant to Section 117 Direction 3.1 – Residential Zones.**
- 3 That Council include the rezoning recommendations contained within the draft Toukley Planning Strategy into the draft Wyong Local Environmental Plan 2011 with the exception of those areas notated 'coastal risk investigation areas' unless resolved by the completion of relevant risk management plans.**
- 4 That Council endorse staff to liaise and negotiate with land owners of the 'Trigger Sites' concerning redevelopment options.**

#### **BACKGROUND**

##### **History**

Toukley has experienced fluctuating pressure for change over the past 10 years. This pressure peaked in 2002/2003 and was reflected in rising real estate prices and contentious development proposals. Since late 2004, development pressure and property prices have eased or fallen due largely to the current lack of economic viability in property development.

At the same time there are a number of issues that need to be addressed by long term planning. For example, the Town Centre is often "busy" but has a limited range of services and at times has high vacancy rates. There are limited choices in terms of housing types, especially for the ageing population, and few (if any) new dwellings that are easily "adapted" to suit mobility impaired residents. The tourism potential of the area is not well serviced or supported. These conditions present a unique opportunity to ensure the planning framework is right for Toukley, such that the area achieves the level of revitalisation desired by the majority of residents and business operators.

The initial part of the Strategy was undertaken in 2003 by Sue Haertsch Planning. The Study considered the constraints and opportunities for growth of the locality, identified key issues within the area and reviewed the current planning controls.

The TPS recommended four alternative development scenarios for Toukley and nominated a preferred future direction for the Peninsula. The Planning Study took into account issues raised by the community in meetings held in 2002. A telephone survey conducted during the preparation of the Study provided further input.

Subsequently, the 2006 draft Strategy was prepared by consulting firm, Architectus Sydney Pty Ltd (Architectus). It reviewed and tested the development scenarios put forward by the Planning Study to ensure that the planning principles that underpinned the Strategy were responsive to the needs and issues facing the locality. The 2006 draft Toukley Strategy also recommended a longer term direction for growth of the Toukley Peninsula.

The 2006 draft Strategy was placed on public exhibition with a community consultation period held between 24 March 2006 and 1 June 2006. Feedback from the public consultation period was extensive with approximately 1,800 submissions being received with the following key issues raised:

- Proposed building height too high in the Town Centre and Canton Beach
- Loss of village character due to proposed building height
- Roads and traffic problems will be exacerbated
- Detrimental impact on the area
- Inadequate infrastructure
- Population and densities too high
- Impact on environment
- Crime and vandalism will worsen
- Water supply inadequate to support increased development
- Lakes should be improved first
- Inadequate carparking
- Area shouldn't become just like The Entrance or the Gold Coast
- Inadequate medical facilities
- High rise does not suit the aged community
- Town Centre needs to find a niche

These matters have been carefully reviewed and analysed and have assisted in informing the revised Strategy.

The draft Central Coast Regional Strategy (dCCRS) was released in the second half of 2006, having significant implications for the key recommendations of the Strategy.

Under the dCCRS, Toukley's future growth was limited to (or equivalent to) available growth capacity under the existing land use zones, which would have required significant revision to the recommendations contained in the 2006 draft Strategy. This limitation on growth was considered necessary by the Department of Planning (DoP) at the time due to the problems being faced by the Central Coast in securing its water supply. On the basis that there was a significant gap between the population targets proposed in the dCCRS and that included in the draft Toukley Strategy and the uncertainty as to when the dCCRS would be finalised, Council made the decision to defer completion of the Toukley Strategy until the dCCRS was released in its final form.

Planning for Toukley commenced in 2007 when Council engaged consultants to undertake an Economic Viability Analysis Study. The study examined the viability of six approved development applications and nine development scenarios across four selected sites within the Toukley area. Results showed most development forms were not financially viable under the current market conditions, but there was a clear need for well defined planning controls to increase certainty and reduce property speculation.

The final version of the Central Coast Regional Strategy (CCRS) was released in June 2008 with amendments including increases to population, dwelling and employment targets and the growth restriction for Toukley was removed. Under the CCRS the location for the housing and population growth is divided into the following four key categories:

- 1 Tuggerah-Wyong Major Centre – additional 4,000 dwellings
- 2 Other Centres – additional 14,500 dwellings
- 3 Infill – additional 2,000 dwellings
- 4 Greenfield – additional 16,000 dwellings

Much of the development growth within the ‘greenfield’ areas will be directed by the proposed North Wyong Shire Structure Plan (NWSSP), which is being led by DoP in consultation with Council. The dwelling targets within the ‘greenfield’ category includes the Warnervale Town Centre. Growth within ‘infill’ areas will largely be governed by existing planning controls.

Toukley is now identified as part of the ‘Other Centres’ in the CCRS with combined dwelling growth targets of an additional 14,500 dwellings (up from 10,100 under the 2006 draft Strategy) to be distributed throughout these existing ‘centres’ over the life of the CCRS which is described as 2006-2031 or 25 years. This target is to be spread across Toukley and other centres. As noted above, the Tuggerah-Wyong Major Centre is a separate category to ‘Other Centres’.

Toukley is identified as a ‘town’ and is to be considered in the context of the other centres in the Shire which include ‘town centres’ such as The Entrance, ‘villages’ such as Long Jetty and ‘neighbourhoods’ such as Wadalba with the aim of accommodating a share in the dwelling, population and employment growth targets.

The Entrance Peninsula Planning Strategy (TEPPS), adopted by Council in 2009, proposes a dwelling capacity target of approximately 8,000 additional dwellings over the forecast growth period. This leaves around 6,500 dwellings to be accommodated within the remaining “centres” including Toukley. The Toukley Peninsula population at the 2006 Census was approximately 8,700. The TPS proposes to facilitate a population capacity of approximately 16,800 persons, or approximately 8,000 dwellings over this period. This represents growth of an additional 8,100 persons or 3,850 dwellings. When combined, these two areas (The Entrance and Toukley) will potentially accommodate up to 12,000 of the total 14,500 dwellings identified under the CCRS ‘Other Centres’ growth target leaving just over 2500 dwellings to be distributed across the other ‘Centres’ within this category.

#### **Approach**

The Strategy is based on a detailed review of the 2006 draft Strategy, the feedback received during the 2006 public consultation and the recommendations of the CCRS including population, dwelling and employment targets. The Strategy has also been informed by updated Census data, the Toukley Economic Viability Study and by emerging considerations such as climate change, sustainability criteria and the changed global economic conditions.

The scope of the constraints and opportunities has been expanded together with detailed analysis and planning recommendations for a wider selection of Precincts. The Strategy has been developed to address local issues and opportunities while underpinning the delivery of the key objectives of the Shire Strategic Vision (SSV).

The Strategy area has been divided into 13 Precincts, each with a unique character and common opportunities. Some Precincts will show more potential for change than others while all show scope for improvement in environmental, social and economic conditions.

The Strategy is also based on the principles of liveability that seek to achieve integrated mixed-use neighbourhoods that reduce car dependency with built forms that respect the natural setting and environmental characteristics of the locality. It seeks to look beyond zoning diagrams and advance positions on how Toukley can be made more attractive as a place to live and to visit. It recognises that this will not solely be a development driven panacea, but better connectivity and liveability will encourage residential investment in what should be a greater housing choice.

The draft Strategy represents a 20 year plan to guide Toukley's future and its scope has been broadened and revised to provide new or more robust consideration for the following:

- Alignment with the key objectives of the SSV
- A stronger vision and identity
- Wider scope and number of precincts in the Strategy area
- New and changing economic conditions
- Revised planning framework including the CCRS, new State Environmental Planning Policies (SEPPs), Regional Economic Development and Employment Strategy (REDES), Central Coast Regional Conservation Strategy (CCRCS), etc
- Council's Draft Settlement Strategy, Comprehensive Local Environmental Plan (LEP) and Standard Instrument Zones
- Population and dwelling capacity targets
- Stronger emphasis on the lakes, integration with Tuggerah Lakes Estuary Management Plan (TLEMP) and surrounding natural environment
- Sustainability principles
- Climate change impacts
- Environmental constraints
- Tourist opportunities
- "Safer by design" principles
- "Healthy by design" principles
- Access and mobility
- Housing choice
- Pedestrian and cycle linkages
- Passive and active recreation opportunities
- Traffic and transport network and capacity
- Parking
- Implementation mechanisms

#### **THE PROPOSAL**

The above matters have been carefully reviewed and analysed and have assisted in informing the revised Strategy. These considerations have driven the following recommended key planning changes:

- Reduced maximum building heights
- Reduced distribution of three to four storey multi-unit residential housing forms
- Increased distribution of lower-scale multiple dwelling housing forms (town house and villa) within walking distance of facilities and transport

These changes have been developed while maintaining population and dwelling capacity targets consistent with the 2006 draft Strategy and CCRS. These changes increase housing choice close to the Town Centre and other centres and reduce the extent of multi level residential building forms in favour of an increase in lower scale housing forms. This Strategy continues to preserve extensive areas of detached housing.

The Strategy acknowledges the natural and physical constraints of the area and provides direction over the next twenty years to the underlying issues described above. The key objectives and recommendations of the Strategy are outlined in the Executive Summary of the Strategy.

Implementation of the Strategy will occur over the next twenty years and will provide a framework for the coordinated provision of infrastructure, facilities and services. There will be resource and financial costs associated with implementing some of the planning recommendations, these will generally be absorbed within existing programs or within the newly created Place Management Unit.

#### **CONSULTATION**

During the preparation of the draft Strategy and prior to the formal exhibition commencing, various presentations, meetings and discussions occurred with business and interest groups. This included meeting with representatives of Greater Toukley Vision (GTV), the Chamber of Commerce, Norah Head Residents and Ratepayers and Coast Care Association and Friends of Toukley. Although, the latter two groups sent apologies, they were sent minutes of the meeting.

In April 2008, a Councillor briefing on the results of an economic viability analysis undertaken on the Strategy was given. A further briefing was held on 27 May 2008 covering the impact of the CCRS upon the TPS.

A Councillor briefing on the key elements of the draft 2009 Strategy was conducted on 8 July 2009 and a final briefing was held on the draft Strategy on 9 September 2009.

A Council inspection was also held on 4 November 2009 at the Peel Street foreshore.

Between 12 March and 23 April 2010, a period of six weeks, the draft Strategy was placed on public exhibition. The exhibition period included:

- Regular advertisements inserted into the Express Advocate during the public exhibition period
- Letters forwarded to relevant local Business, Community and Interest Groups
- Letters forwarded to Government Agencies, Local MPs and the Minister for the Central Coast
- Media Releases



### 3.1 Draft Toukley Planning Strategy (contd)

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- Exhibition posters, frequently asked questions (FAQ) sheets and submission boxes, and copies of the draft Strategy being available at Lake Haven Information Centre, Toukley Library and the Civic Centre, Wyong
- An exhibition complete with poster boards was displayed in a vacant shopfront facing the Village Green at 4/30 Canton Beach Road
- A copy of the draft Strategy was placed on Council's website together with links to submit comment via email
- A Government Agency Information Session
- Presentation to the Central Coast Design Review Panel (SEPP 65 Panel)
- Meetings with representatives of GTV and the Chamber of Commerce
- Briefing of real estate and valuers group and attendance at the Munmorah ALP Branch Meeting.

A total of 61 submissions plus one petition containing 100 signatures were received from the community and seven from government agencies. The submissions have been carefully reviewed and revision made to the Strategy where appropriate. The key changes to the Strategy as a result of submissions received was a revision to the proposed zone boundary between the Residential A and Multiple Dwelling Residential B zone in Precinct 7 from along the northern edge of Canton Parade to mid-block between Canton Parade and Irene Parade. Other corrections and clarifications have also been made which are discussed in Attachment 1.

Key matters raised by government agencies included the following:

- Environmentally significant vegetation
- Wildlife corridors
- Location of asset protection zones (APZs) and shared pathways
- Aboriginal cultural heritage
- Climate change
- Ecology management
- Mine Subsidence
- Health and Safety by Design Principles
- Standard Instrument zones
- Low cost housing

The following summarises the main issues raised by the community:

- Adequacy and loss of carparking
- Loss of public reserves
- Relocation of Toukley Sailing Club
- Misleading vision
- Poor and inadequate infrastructure
- Housing targets – clarification and opposition
- Traffic
- Tourism – Suggested good and inappropriate locations
- Appropriate housing types

- Unit scale, height overshadowing and privacy
- Climate change and flooding
- Anti-social behaviour

The issues raised are addressed in more detail on Attachment 1 – Summary of Issues.

#### Climate Change

Toukley Peninsula's coastal location makes it susceptible to the projected impacts of climate change including sea and lake level rise, increased flooding and storm activity and coastal erosion. In line with current best practice and NSW State Government's Sea Level Rise policy, this Strategy recommends adopting a risk-based approach to land use planning including a 100 year planning period.

Accordingly, a number of localities are identified as being impacted by projected lake flooding. Under DoP's Sea Level Rise Planning Guideline, these areas are categorised as investigation areas until new coastal risk studies incorporating sea level rise bench marks have been completed. Upon completion of these studies, such as the Tuggerah Lakes Floodplain Risk Management Plan, certain investigation areas and possibly additional areas will be confirmed as 'identified coastal risk areas'. The flowchart on the following page outlines the strategic approach to land use planning that has been adopted in investigation areas.

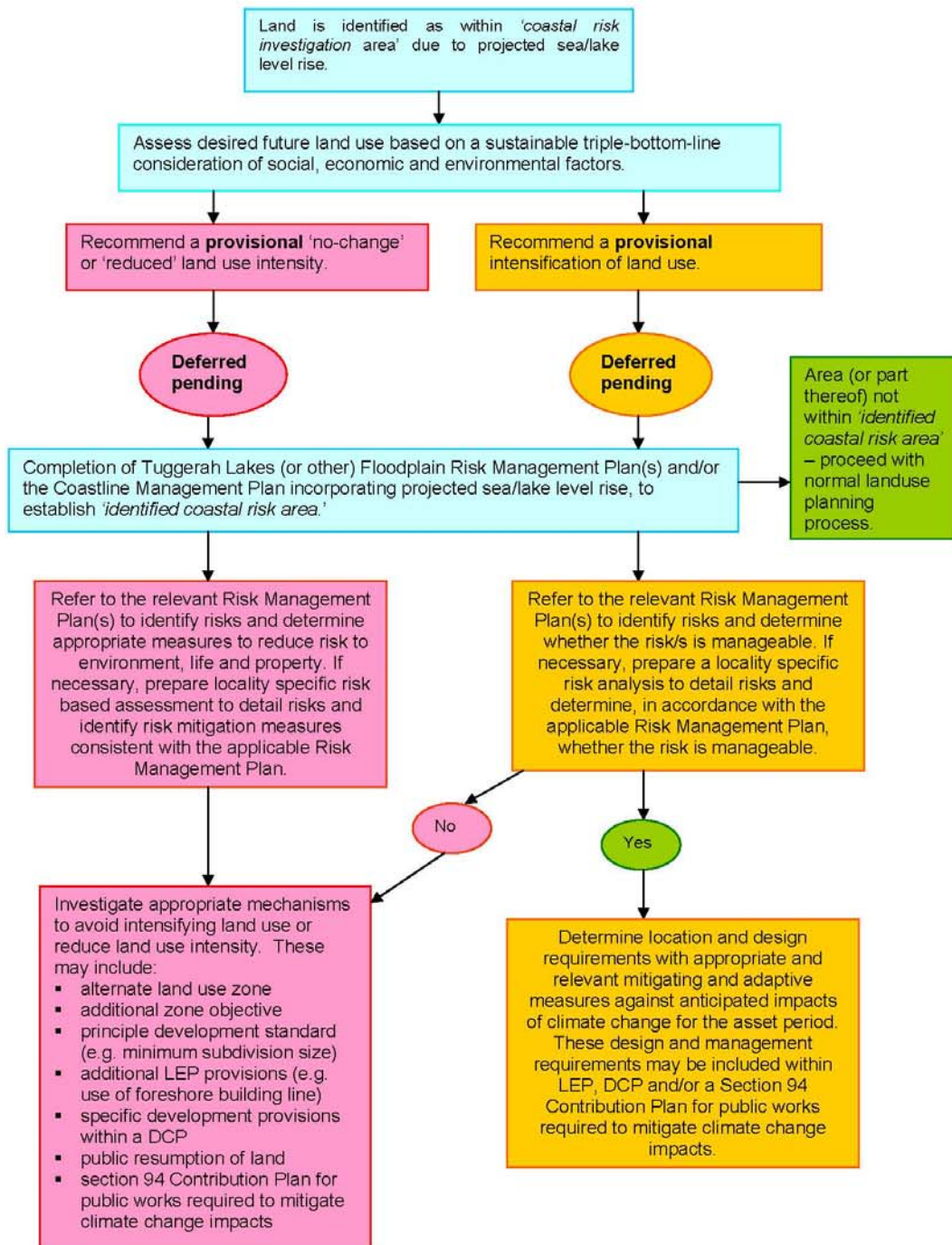
In some instances, such as Canton Beach, increased land use intensity is identified by this Strategy following a 'triple bottom line' consideration of social, economic and environmental factors. However, while potential new recommended land uses within these localities are identified, this is on a provisional basis. Any subsequent change in zoning for areas identified at risk will be deferred pending, firstly, the completion of the Tuggerah Lakes Floodplain Risk Management Plan (incorporating sea level rise projections), which will verify the 'identified coastal risk areas' and secondly, undertaking a comprehensive risk-based assessment process.

If the risk is determined to be manageable, new development will need to be located and designed with appropriate and relevant mitigating and adaptive measures against the anticipated impacts of climate change for the asset period deemed appropriate for the particular development. If it is demonstrated through the risk assessment process that the proposed land use is not sustainable for its defined asset period then based on the precautionary principle it should not be up-zoned and an alternative land use and/or planning control measure will need to be considered.

In other investigation areas where no change or reduced land use intensity is recommended by the Strategy, this also is on a **provisional basis** and subject to the verification of 'identified coastal risk areas' by the Tuggerah Lakes Floodplain Risk Management Plan. Following this, detailed locality risk-based analysis will be required in 'identified coastal risk areas' to detail the nature of risks and identify measures to manage risk to life, property and environment. A range of planning mechanisms (outlined under DoP's Draft Sea Level Rise Planning Guideline) may be explored to avoid intensifying land use or reduce land use intensity. These include:

- Land use zones and zoning objectives (e.g. down-zoning, new zone objective and restriction of certain land uses)
- Principle development standards (e.g. minimum subdivision size, FSR etc)
- Additional LEP provisions (e.g. use of foreshore building lines)

➤ Specific development provisions within a DCP



### **Greater Toukley Vision**

GTV is a non-profit organisation financially supported by Council whose primary objective is to promote the Greater Toukley area for the benefit of local business and the community. GTV employs a Coordinator who reports to a board of management made up of volunteer community and business representatives. Council is currently represented on the Board by Councillor McNamara.

GTV is directly involved in developing and coordinating festivals and events; promoting and developing commercial investment, shopping and tourism in the area. GTV also provides supplementary cleaning, gardening and graffiti removal services. GTV acts to facilitate cooperation between business, government and community bodies.

GTV developed the 'Greater Toukley Vision - Business and Marketing Plan 2010' document, which was submitted to Council in February this year. This document was developed over the past three years with many of the identified strategies coming out of a community planning workshop which GTV conducted in October 2007 facilitated by the Department of State and Regional Development (DSRD).

The results of the workshop informed the preparation by GTV of a Community Strategy Plan (CSP), required in order to gain funding from DSRD. The business plan section of the CSP is essentially the same as the Business and Marketing Plan (BMP).

The BMP contains four key objectives, events, tourism, marketing/promotion and streetscape. Within the BMP there are 'Strategy Actions' assigned to the four key objectives including detail concerning budget, timing and responsibility. The draft TPS is consistent with GTV's BMP. The Strategy has been developed over a long period of regular consultation with the GTV Coordinator. Many of the Strategies in the GTV Action Plan directly align with the TPS recommendations and Implementation Schedule. Matters such as improving the appearance of the retail precinct, improved signage and improved carparking will be addressed through the implementation of the TPS. Where this occurs, GTV will be a key partner in the implementation process.

### **Implementation Schedule**

An implementation schedule has been added to the draft Strategy under 'Chapter 6 – Implementation' in order to provide more detail around the implementation of the Strategy recommendations.

### **Section 117 Direction 3.1 – Residential Zones**

Section 117 of the Environmental Planning and Assessment Act 1979 (EP&A Act) allows the Minister for Planning to prescribe matters (via 'Directions') that must be incorporated in draft planning instruments. The future draft LEP for Toukley will be required to be consistent with the Section 117 Directions or be able to justify inconsistencies with the Minister's policy requirements.

Under Section 117 Direction 3.1 – Residential zones, LEPs shall include provisions that encourage the creation of housing that will broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; reduce the consumption of land for housing and associated urban development on the urban fringe; and be of good design.

However, this Direction states new LEPs shall not contain provisions that will reduce the permissible residential density of land unless justified by a strategy which gives consideration to the objective of this Direction, identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and is approved by the Director-General of the Department of Planning (DoP).

The Strategy includes recommendations for revised residential zones that would reduce the permissible residential density in certain areas. This includes three locations where the existing 2(d) High Density Residential Zone is recommended to be changed to 2(c) Medium Density Residential Zone. This in part aims to bring the land use zones into line with the provisions of the NSW Coastal Design Guidelines through the introduction of building height controls; and to rationalise the spatial distribution of residential densities around the Toukley Town Centre while overall, the residential dwelling and population targets on the Toukley Peninsula are increased. On this basis, the case will be made to justify the inconsistencies with the Minister's Direction.

The matter of the proposed rezoning of 2(d) High Density Residential Zone lands to 2(c) Medium Density Residential Zone (down-zoning) has been considered in terms of potential Council exposure to compensation litigation from land owners directly impacted by the proposed down-zonings. Advice from the DoP Gosford Office has been received concerning this matter that indicates that they are not aware of the occurrence any such cases of litigation. The following factors considered to minimise exposure to this risk include:

- 1 The proposed down-zoning has been a publicly known intention of Council for more than seven years.
- 2 The same proposed down-zoning was publicly exhibited in 2003 as the main focus of draft LEP Amendment No. 152.
- 3 The draft Strategy exhibited in 2006 for 10 weeks included the proposed down-zoning as did the current version of the draft Strategy exhibited in March-April 2010.
- 4 Although zoned Residential 2(d), the land on the southern side of Main Road between Yaralla and Dunleigh Streets is currently subject to more stringent development controls. DCP 2005: Chapter 6 – Main Road Toukley West applies, which currently restricts development via a 10 metre front setback and a 10 metre (three storey) height limit.
- 5 Residential 2(d) land located between Victoria Avenue and Holmes Avenue is largely developed for single and two storey seniors housing.
- 6 Non-conforming land-uses (mainly business uses) exist within the Residential 2(d) zoned lands, many of which may not redevelop regardless of the underlying residential zone due to the visual exposure along Main Road, which makes these locations desirable for business.
- 7 A number of development applications (DAs) in the early 2000's in respect to the Residential 2(d) lands (generally located on Victoria Avenue or on land between Athol and Fravent Streets) for residential development between six and eight storeys were consistently refused by Council. Council staff routinely advised proponents to limit such proposals to between three and four storeys.
- 8 Development is still permitted under the proposed 2(c) Medium Density Residential Zoning, therefore acquisition is not an issue.
- 9 Adequate time exists before a LEP with new controls comes into effect for a DA to be lodged under the existing zone/controls.
- 10 The LEP process provides further opportunities for submissions to be made by land owners and the public.

### **Trigger Sites**

A ‘Trigger Site’ may be one or a number of key sites in a locality, which if developed would provide stimulus or a ‘trigger’ for other development to follow. Two such sites have been identified in Toukley. These include Toukley Town Centre carpark and surrounding land; and the Toukley Caravan Park and surrounding land.

The former includes Council owned land, which provides the opportunity for Council to lead or partner with the private industry to see this part of the town centre revitalised. The draft Strategy does not nominate a specific zone or building height other than to accommodate car-parking and other compatible land uses. The appropriate zoning and height will be informed by more detailed planning under the LEP and/or master plan process.

The latter includes a visually prominent site containing a land use which is run-down and in its present state presents social challenges to the locality. This site together with several adjoining sites is in common ownership. Furthermore there are only a limited number of additional owners adjoining within the street block. This presents an opportunity for redevelopment of all or a large proportion of this street block.

The ‘trigger’ sites have the potential to play an important role in the implementation of the TPS, particularly in relation to revitalising the town centre and providing housing choice and improving visual amenity. Therefore Council endorsement is sought in order for Council staff to liaise and negotiate with land owners of the ‘Trigger Sites’ concerning redevelopment options.

### **Carparking Yaralla Road, Toukley**

Council currently owns Nos 9, 11, 13 and 15 Yaralla Road. Nos 9, 11 and 13 are vacant while a dwelling house is located on No 15. Nos 9 and 11 are currently zoned 5(b) Special Uses – Parking and Nos 13 and 15 are 2(a) Residential. The exhibited draft Strategy indicated that these four lots would be rezoned to 2(c) Medium Density Residential Zone. Nos 9 and 11 should have been shown as Special Uses Parking. However, in light of submissions received concerning limited carparking within and surrounding Toukley Town Centre, it is proposed that the four lots, Nos 9, 11, 13 and 15 be zoned to facilitate additional public carparking and compatible land uses subject to the master planning of the Town Centre.

### **Toukley Senior Citizens Club**

The Toukley Senior Citizens Club is located to the south of Toukley Town Centre between Hargraves Street and Pearce Avenue. It is located upon land owned by Council and currently zoned 2(a) Residential. The exhibited draft Strategy showed the proposed zoning as 2(c) Medium Density Residential. This zoning is not considered reflective of the existing and likely future use of the site and therefore it is proposed the zoning of this site be changed to 5(a) Special Uses – Senior Citizens Centre.

### **Implementation**

The following implementation measures are proposed to promote the recommendations of the Strategy. These are anticipated to roll out over the course of the Strategy period, although the majority would be expected to be underway within the first 5 years after adoption. They are as follows:

- Implement land use recommendations i.e. zoning changes through the Comprehensive LEP under the Standard Instrument.
- Prepare a new DCP Chapter for the Toukley Peninsula consolidating existing local Chapters, developing and defining a relaxed coastal character theme with appropriate planning guidelines.
- Prepare a revised Section 94 Contributions Plan to address the demand for additional services and facilities likely to be required as a consequence of the projected dwelling and population growth.
- Prepare masterplans for the Toukley Town Centre, Canton Beach, Peel Street foreshore and Norah Head Village to provide detailed options analysis, urban design framework and guidelines aimed at facilitating the recommendations identified in the Strategy for each of these Precincts.
- Prepare an Open Space Structure Plan for the Toukley Peninsula to inform the level and type of recreational open space and facilities required for the existing and projected population.
- Prepare a Significant Tree Study with recommendations to be included in DCP 2005 Chapter 14 – Tree Management where required.
- Prepare streetscape improvement plans for various Precincts identified in the Strategy.
- Implement the relevant recommendations of the Foreshore Recreation Strategy in accordance with the TLEMP.
- Inform the preparation of the Bicycle and Shared Pathway Strategy and Council's Settlement Strategy.
- Implement the relevant recommendations in relation to traffic, transport and parking.
- To ensure appropriate protection and preservation of the Peninsula's ecological attributes, an Ecological Management Plan will be required with the following scope to include:
  - Weed control
  - Revegetation and rehabilitation of areas set aside for conservation
  - Measures to minimise impacts by construction and associated activities
  - Habitat enhancement measures
  - Stormwater and aquatic habitat management
  - Road designs in environmental sensitive areas
  - Fencing and community education to exclude or limit human activities in environmentally sensitive areas
  - Monitoring program for threatened plants, fauna and endangered ecological communities

#### **OPTIONS**

The draft TPS has evolved over the years as a result of community feedback, changing policy and legislation. The final version presented for adoption is the result of investigating and analysing many options across the Peninsula.

### 3.1 Draft Toukley Planning Strategy (contd)

Early in the development of the Toukley Planning Study a 'Do Nothing Option' was considered, which largely proposed to retain the existing zones of the locality. This option presents several limitations and offers little opportunity to revitalise the town centre or attract significant variation to the area's dwelling stock. The major concerns of this option are:

- On-going adhoc spread of dual occupancy and low density villa developments in 2(b) and 2(c) areas with effective sterilisation of multi-unit zoned lands
- Limited potential to increase the area's population thereby restricting ability to revitalise the town centre
- Limited abilities to respond to opportunities for increased tourism and recreational needs of the locality
- Continued limited housing choice for existing and future residents.
- The existing controls do not require site amalgamation for multi-unit developments, limiting the ability to achieve good quality developments

The 'Do Nothing Option' is not favoured as it will see the continued status quo of adhoc residential developments and the likely continued decline of the Toukley town centre.

Rather, it is recommended that Council adopt the Strategy and proceed with its implementation.

#### STRATEGIC LINKS

The proposal is linked to the Annual Plan.

#### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	1.1 Expand and support programs that increase participation among all ages.	Nil.
	1.2 Expand and support programs and activities that encourage and enhance neighbourhood connections.	Nil.
	1.5 Develop and implement the Wyong Shire-wide Settlement Strategy.	Nil.
	2.1 Ensure public and private bus services are timely, clean, safe and affordable.	Nil.
	2.3 Improve and link the bicycle/shared pathway network and related facilities to encourage more cycling opportunities.	1.7.5 Shared pathway improvements.
	3.1 Provide and maintain local and regional community facilities for recreation, culture, health and education.	Nil.
	3.2 Provide and maintain a range of community programs focussed on community development, recreation, culture, environment, education and other issues.	Nil.
	3.4 Promote community facilities to help maximize their benefits and use.	Nil.



<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Economy	5.1 Provide a coordinated approach to business generation, employment and development for the region.	Nil.
	5.8 Ensure adequate and appropriate employment land in the Shire.	Nil.
	6.2 Develop and implement guidelines to ensure all residences and businesses as well as commercial and educational centres can be quickly linked to fibre-optic telecommunication networks.	Nil.
A More Sustainable Environment	7.1 Preserve threatened and endangered species as well as ecological communities and biodiversity.	Nil.
	7.2 Expand and continue programs focused on restoring degraded natural areas in our community.	Nil.
	7.3 Ensure all development areas create or maintain tree-covered ridgelines and waterways.	Nil.
	7.4 Develop and implement strategies to reduce the Shire's environmental footprint.	Nil.
	8.1 Improve and promote public access to environmental areas.	Nil.
	8.3 Create and promote a network of renowned natural trails.	Nil.
Infrastructure	Develop and implement the Floodplain Risk Management program.	Nil.
	Align existing stormwater management programs with the Estuary Management Plan (EMP). Nil.	Nil.
Organisation	Nil.	Nil.

### **Contribution of Proposal to the Principal Activity**

The Strategy recommends a series of actions that will contribute to a more sustainable community, economy and environment for the Toukley region as well as providing a framework outlining where opportunities exist to develop or improve facilities, service and infrastructure.

### **Link to Shire Strategic Vision**

The SSV establishes the strategic vision for Wyong Shire and the direction for the community over the next 20 years. The recommendations contained within the Strategy have been developed to address the local issues and opportunities while underpinning the delivery of the key objectives of the SSV.

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<p><b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p>	<p>The Strategy recommends exploring partnership opportunities with the local community through community and cultural projects to promote connectedness.</p> <p>The Strategy promotes a range of housing choice located closer to facilities, services and transport.</p> <p>The Strategy recommends developing detailed design guidelines to clearly define and reinforce the relaxed coastal village character of the area.</p>
<p><b>Travel</b> - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</p>	<p>The Strategy promotes more housing closer to facilities and transport to reduce car dependence.</p> <p>The development of on-road and off-road shared pathways aimed at connecting the community to key facilities and attractions.</p> <p>The Strategy reinforces the need to lobby relevant State Government agencies to improve regional roads and public transport travel times into and out of the Toukley Peninsula.</p>
<p><b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p>The Strategy recommends actions in relation to supporting and enhancing the existing range of community and cultural facilities and services available in the Toukley Peninsula.</p> <p>The Strategy recommends developing an open space structure plan for Toukley Peninsula to ensure appropriate and adequate open space and recreations facilities are in place to service the local community.</p>
<p><b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p>Nil.</p>
<p><b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>The Strategy seeks to reinforce the role of and revitalise the existing business centres, in particular Toukley Town Centre.</p> <p>The Strategy makes recommendations to develop capitalise upon tourist opportunities at Canton Beach, Norah Head and West Toukley.</p> <p>The Strategy recommends the continued support of GTV in attracting sustainable businesses and events to the Toukley Peninsula and promoting the region's attractions and relaxed coastal lifestyle.</p>
<p><b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>The Strategy recommends exploring mechanisms that encourage or require new development to provide world's best integrated IT facilities. This will be implemented according to the Community Plan – Communication and Information Action Plan.</p>

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	The Strategy preserves through appropriate Environmental Land Use zones, existing areas of natural value including wetlands, wildlife corridors and endangered ecological communities. The Strategy recommends the development of an Ecological Management Plan for the Toukley Peninsula to ensure appropriate protection and preservation of the Peninsula's ecological attributes.
<b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil.

### **Financial Implications**

The Strategy recommends a range of actions to be implemented over the next 20 years. Many of these actions are linked to and will be implemented through existing programs such as the EMP, Community Plan and Comprehensive LEP. Some recommendations may be funded through Government grants. Other recommendations will require funding and resources allocation and be considered and prioritised through development of Council's Annual Plan on a recurrent basis.

### **Principles of Sustainability**

The principles of sustainability cut across the Strategy and underpin its key recommendations in relation to revitalising the business centres, protecting natural areas, promoting housing choice close to facilities and transport. The principles of sustainability will be essential in the implementation phase, particularly in relation to sustainable asset management.

### **GOVERNANCE**

The implementation of the Strategy will be directed largely through three key focus areas; planning initiatives, infrastructure initiatives and supporting initiatives.

A large proportion of the recommended planning initiatives such as the proposed LEP Amendment, DCP Chapter and Section 94 Contribution Plan are governed by the provisions of the Environmental Planning and Assessment Act 1979. Others will follow relevant processes of Council.

Infrastructure initiatives recommended under the Strategy generally will require detailed planning and design before implementation. Some of these will be subject to, and implemented through existing programs such as the EMP and the Rolling Works Program. These initiatives will be directly influenced by the level of resources and funding available and be programmed via Council's Annual Plan.

Supporting initiatives focussed on community development, recreation, culture, environment, education and business development will be guided by the relevant Action Plans contained in Council's Community Plan.

**CORPORATE RISKS**

The adoption of the Strategy has the potential to assist Council in reducing corporate risks. The recommended amendments to the planning framework and their implementation will provide certainty and incentive for future investment in housing, business and tourism. The flow on effects in terms of increased building and business activity, Section 94 Contributions and rates revenue have the potential to improve Council's capacity for facility, service and infrastructure delivery in line with the SSV.

**CONCLUSION**

The draft TPS has been prepared to guide the future planning of Toukley and surrounding areas. The draft Strategy has been exhibited with submissions received and reviewed. Changes to the draft strategy have been made to address issues raised during the public exhibition process where appropriate.

The normal recommendations pertaining to the preparation of a draft LEP for the purpose of amending Wyong LEP 1991 in accordance with the relevant recommendations of the draft Strategy are omitted as this is proposed to be processed as part of the Wyong LEP 2011, currently underway.

**ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Attachment 1 - Summary of Submissions - Toukley Strategy   | D02247175 |
| <b>2</b> | Draft Toukley Planning Strategy<br>(Distributed under Separate Cover - Chapters 1 - 7 - Doc Nos<br>D02391807, D02391809, D02391812, D02391818,<br>D02391820, D02391822 and D02395509 ) | Enclosure |

### ATTACHMENT 1 – SUMMARY OF SUBMISSIONS

GOVERNMENT AGENCIES	ISSUES	COMMENT
<p><b>Department of Environment, Climate Change and Water</b></p>	<ul style="list-style-type: none"> <li>• Outlined additional significant vegetation communities and migratory bird habitat</li> <li>• Indicated mid-block vegetation also contributes to remaining biodiversity</li> <li>• Wildlife corridor linkages to the National Park to the south should also be maintained</li> <li>• Cycleway/Shared paths and asset protection zones (APZs) should be located outside any Endangered Environmental Community (EEC) or wetland with the latter being located within development footprints</li> <li>• There is no indication of the impacts Mitchell Street improvements may have on an EEC</li> <li>• A significant tree survey should also incorporate cultural heritage values for the Aboriginal community.</li> <li>• Council should consider the adoption of a Climate Change Policy to cater for predicted effects of exacerbated global warming and changing climate.</li> </ul>	<p>These matters will be considered at appropriate points in the implementation of the Strategy.</p> <p>While this is an important initiative, DCP Chapter 14 Tree Management to which significant tree surveys pertain is not considered the most appropriate mechanism.</p> <p>This is a matter Council has considered and work on the preparation of a revised policy is currently underway.</p>

GOVERNMENT AGENCIES	ISSUES	COMMENT
<b>Catchment Management Authority (CMA)</b>	<ul style="list-style-type: none"> <li>• Supports many of the initiatives relating to sustainability, climate change, protecting environmentally sensitive lands, Water Sensitive Urban Design (WSUD) and higher residential densities around existing facilities</li> <li>• Name of document should be changed to Toukley Peninsula Planning Strategy given the area it covers</li> <li>• Chapter 3 lists threatened species but Chapter 6 does not list recovery actions or Threat Abatement Strategies in the Implementation Chapter</li> <li>• Wildlife corridors mentioned in Chapter 3 are not mentioned in Chapter 6 – Implementation, are they listed under the 'Habitat enhancement measures' under the Ecological Management Plan?</li> <li>• Retain and enhance water views could be interpreted as encouragement to thin vegetation for this purpose</li> </ul>	<p>The existing name is well established, although the suggested name has merit. The Ecological Management Plan recommended as part of the Implementation may be broadened to cover the additional measures mentioned, but no change is recommended for the Strategy.</p>
<b>Mine Subsidence Board</b>	<p>The current Surface Development Guidelines that allow for up to three storey development are under review. Advice indicates that the heights recommended under the Strategy are satisfactory.</p>	<p>Noted</p>
<b>NSW Rural Fire Service (RFS)</b>	<p>The RFS has no objection to the Strategy. The RFS noted that there is existing development located within 100 metres of the bush interface; therefore development thereon will be subject to assessment against "Planning for Bushfire Protection" guidelines.</p>	<p>Noted</p>

GOVERNMENT AGENCIES	ISSUES	COMMENT
<p>Northern Sydney Central Coast NSW Health (NSW Health)</p>	<ul style="list-style-type: none"> <li>• NSW Health supports the Strategy, in particular initiatives to encourage healthy by design principles and 'Safer by Design' principles. These should be embedded in the planning process.</li> <li>• New zones chosen under the Comprehensive LEP need to be consistent or there is potential for variance with what is discussed now and what may eventuate.</li> <li>• The existing Toukley Caravan Park should be encouraged to upgrade rather than losing existing affordable homes.</li> <li>• There is a need to ensure that all recycled water is managed to a standard fit for purpose.</li> <li>• Climate change can potentially adversely impact on people's health. There is a need for energy efficient buildings.</li> <li>• Bicycle facilities need to be provided outside as well as inside the town centre.</li> <li>• Based on existing zoning it does not appear that mixed use can occur within the town centre.</li> </ul>	<p>These principles will be incorporated into LEP, DCP planning controls and master plan design.</p> <p>This is important and will be carefully considered through the Comprehensive LEP process, which itself will involve extensive public consultation.</p> <p>Upgrade is possible now, however there has been little movement in this direction. Redevelopment may result in the loss of some low cost housing; however Council's Housing Choice Policy provides mechanisms for more suitable affordable housing.</p> <p>Agreed.</p> <p>Existing State and Council building controls require energy efficient design.</p> <p>Agreed.</p> <p>Business Centre 3(a) Zone permits dwellings attached to other permissible uses, which has the effect of allowing mixed use development.</p>

## PUBLIC FEEDBACK

Sixty-one submissions were received from the public. The following outlines a summary of the key issues raised and a relevant response where appropriate.

ISSUES	COMMENT
<ul style="list-style-type: none"> <li>A number of submissions were received including from the Local Member for Wyong, Greater Toukley Vision (GTV), the Chamber of Commerce and local shop owners, concerning the future potential loss of on-street carparking along the Main Road through the Toukley Town Centre (which is referenced in 'Section 3.1.6 Transport' on Pages 76 and 77 of the Strategy). Concern was also raised that four lanes through the town centre would create a bottleneck and create a passing opportunity and consequently a hazard for pedestrians and motorists.</li> </ul>	<p>Main Road is a State Road which is controlled by the Roads and Traffic Authority (RTA) and traffic planning to address the traffic impact of population growth including any future loss of carparking on Main Road will be undertaken by the RTA (similar to that being undertaken for The Entrance Road through Long Jetty).</p> <p>To underpin the recommendations of the draft Strategy, Council staff undertook a traffic analysis against the proposed growth scenario and current Main Road lane configuration. It identified that significant delays will occur "due to congestion with queues expected to extend well in excess of 1km. These queues can be reduced by having two approach and two departure lanes from major intersections. This inevitably will result in the loss of up to 36 on-street carparking spaces. It is anticipated that the need for these measures will develop over the next 15 years and therefore will have no immediate impact.</p> <p>While the potential future loss of on-street carparking has been identified, the draft Strategy does not propose this measure as such; given this ultimately is the RTA responsibility. However, the draft Strategy has taken a prudent approach in identifying land for future acquisition and rezoning for public carparking to address this potential loss of on-street carparking in the advent of future RTA road widening occurring. This issue will be discussed between Council staff and the RTA.</p> <p>It should be noted that with or without the draft Toukley Planning Strategy, significant growth capacity already exists with the current zonings in the area which in time will apply similar traffic management pressures upon Main Road.</p>
<ul style="list-style-type: none"> <li>Over thirty submissions were received concerned that Bert Edmunds Reserve was to be rezoned from Open Space to Medium Density Residential. This is shown on the Precinct 4 – Strategy Map on Page 133 of the draft Strategy.</li> </ul>	<p>This was a mapping anomaly, which has been corrected. The majority of residents who raised this concern have been advised of this by letter. A further mapping anomaly, which has also been rectified, was identified in relation to the future zoning of the Irene Parade Reserve and the reserve located between Oleander Street and Beulah Road. In all cases, the mapping in the Strategy has been revised to show the retention of these reserves.</p>



ISSUES	COMMENT
<ul style="list-style-type: none"> <li>Concern was raised by the Toukley Sailing Club, other groups and community members that, under the draft Strategy, Council intended to relocate the Clubhouse to open up lake views including for the benefit of developers. The Toukley Sailing Club clubhouse is located on the Canton Beach foreshore adjacent to the corner of Canton Beach Road and Beach Parade. It is located on Crown land and leased directly from the Crown to the Sailing Club.</li> </ul>	<p>The concerns are based upon the following statement concerning the Toukley Sailing Club in the Precinct 5 Moss Avenue Precinct Strategy Map on Page 139 of the draft Strategy, which reads:</p> <p><i>“Explore options to relocate Sailing clubhouse (when redeveloped) to open up view corridor to lake from Canton Beach Road”</i></p> <p>However, as Council does not have any direct involvement in the lease arrangements between the Crown and the Sailing Club, it is not Council’s intention to force the Club to relocate.</p> <p>Further, the aim of the recommendation contained in the draft Strategy is to facilitate improved visual connections between the Toukley town centre along Canton Beach Road to Tuggerah Lake to provide an improved ‘sense of place’ by the Lake. The draft Strategy will be amended to clarify this aim and confirm that the purpose is not to improve water-views for potential future developers, to remove significant vegetation along the foreshore or force the Club to relocate.</p> <p>While the intent is to encourage alternative locations to be explored by the Sailing Club, should the Club at some time in the future wish to upgrade or redevelop, any future relocation of the clubhouse would need to be initiated by the Sailing Club and undertaken in consultation with the Crown and Council for the wider benefit of the members and community. The draft Strategy has been amended to clarify the above.</p> <p>Also, Council staff attended a Munmorah Branch ALP meeting with representatives of the Sailing Club on 13 May 2010 and clarified this issue.</p>
<ul style="list-style-type: none"> <li>Norah Head Residents, Ratepayers and Coastcare Association Inc, while satisfied that suggestions made in 2006 have been addressed, have suggested that the intersection treatment proposed at the Mitchell Street and Bungary Road intersection also be employed at the Mitchell Street intersection with Soldiers Point Drive to avoid this becoming the alternative ‘through’ road.</li> </ul>	<p>This suggestion is considered to have merit and has been included in the Strategy for investigation.</p>

Other submissions included the following:

ISSUES	COMMENT
<ul style="list-style-type: none"> <li>The 'Vision' gives the impression that all is well in Toukley, which could be misleading.</li> </ul>	<p>The 'Vision' is just that, a vision of how Toukley could be improved into the future. It is not describing current conditions.</p>
<ul style="list-style-type: none"> <li>An infrastructure and finance plan with a time scale is needed to improve or install kerb and guttering, lighting, footpaths etc.</li> </ul>	<p>The Strategy identifies the need to improve infrastructure. This can't all be done at once, therefore part of the implementation calls for the preparation of Streetscape Improvement Plans, which will focus on the areas most in need.</p>
<ul style="list-style-type: none"> <li>Is Warnervale included in the CCRS 'Centre' dwelling target? Then Minister for Planning, Ms Keneally indicated by letter that regional strategy provides broad direction for development in centres, and nominates employment and housing targets, but only by centre type. The distribution... rests with councils. Similarly the scale of development proposed... in consultation with the community.</li> </ul>	<p>Warnervale is not included in the 'Other Centres' category for which an additional 14,500 dwellings are identified for the next 20 years. These 'other centres' include The Entrance, Long Jetty, Ourimbah, Gorokan and Bateau Bay. The preparation of the draft Strategy has involved extensive consultation with the community.</p>
<ul style="list-style-type: none"> <li>The Local Area Traffic Management (LATM) Plan for Toukley does not appear to have consulted the community yet.</li> </ul>	<p>The community will be consulted when a draft LATM Plan has been finalised.</p>
<ul style="list-style-type: none"> <li>Removal of off-street carparking is a concern. More carparking over and above that required for new residential units is needed.</li> </ul>	<p>The Strategy has been amended to place emphasis on the need to increase public parking particularly within the town centre.</p>
<ul style="list-style-type: none"> <li>There is an apparent conflict between the strategies for the site at the corner of Yaralla Street and Beachcomber Parade and the former service station site. On one hand it will be used for carparking and then it is recommended for residential tourist redevelopment.</li> </ul>	<p>The Strategy has been amended to clarify that future redevelopment must secure a net increase in public carparking.</p>
<ul style="list-style-type: none"> <li>Rotary Park/Toukley Gardens is rundown due to lack of maintenance and concern is raised at the potential land swap and rezoning of the park to commercial or residential.</li> </ul>	<p>The Strategy identifies the possibility of opening up the park to the water through a land swap. This would require detailed planning and not result in a net loss of open space in this locality. Outside of this scenario, no rezoning of the park is proposed.</p>
<ul style="list-style-type: none"> <li>Traffic on Main Road is bad enough and will get worse.</li> </ul>	<p>Traffic analysis shows that traffic increases associated with expected population growth can be managed. While the RTA controls Main Road, Council will continue to have an advocacy role to ensure necessary upgrades to the regional road network are planned for and implemented in a timely manner to maintain and improve local and regional traffic and transport functions.</p>
<ul style="list-style-type: none"> <li>More tourism around the Beachcomber Hotel will lead to more disturbance and problems for residents.</li> </ul>	<p>Tourist uses are wide and varied. Hours of operation can be applied and enforced in certain circumstances.</p>
<ul style="list-style-type: none"> <li>Tourism needs to be promoted more here in the north by Central Coast Tourism.</li> </ul>	<p>The profile of Toukley Peninsula will benefit from increased profile through a range of measures.</p>
<ul style="list-style-type: none"> <li>Harry Moore Oval is valuable green space used for many recreation and community uses and should not be allowed to be redeveloped by Clubs to support the gambling and alcohol culture.</li> </ul>	<p>The Strategy does not propose that Harry Moore Oval be redeveloped, but identifies that redevelopment upon the Canton Beach Sports Club site may occur in the future.</p>

ISSUES	COMMENT
<ul style="list-style-type: none"> <li>The Strategy does not stop the State Government's forced population increase but is agenda driven to force more people to live in Toukley. Australia already has one of the highest eco footprints.</li> </ul>	<p>The CCRS sets a broad framework for employment and housing growth to which this local planning strategy refers; however eco footprints may be reduced by developing less 'Greenfield' land and through accommodating more people in existing urban areas. This presents the task of managing growth and mitigating potential impacts.</p>
<ul style="list-style-type: none"> <li>Low scale cluster housing with villa and town house building types will accommodate population growth but this has been ignored. There is too much emphasis on car-based travel – oil is a finite resource.</li> </ul>	<p>The current Strategy has reduced medium density housing types in favour of more low scale multiple housing located near centres. However it is desirable to focus housing and population closer to the town centre than spread lower scale housing such as town houses through out the peninsula in order to reduce car dependency.</p>
<ul style="list-style-type: none"> <li>The Strategy is flawed as it avoids many future impacts, does not provide alternative solutions or consider the future social consequences.</li> </ul>	<p>The Strategy does not provide all the answers, however, it provides a framework to embrace future opportunities and accommodate future challenges.</p>
<ul style="list-style-type: none"> <li>Why no Residential Tourist zoning in prime areas of Precinct 10 Hargraves Beach and 11 Noraville?.</li> </ul>	<p>Many areas of the Peninsula have desirable characteristics suitable for tourist uses or accommodation, however the Strategy seeks to focus uses in a few locations and consolidate these rather than spread these out through residential areas.</p>
<ul style="list-style-type: none"> <li>Council is urged to improve signage to the existing Moss Avenue by-pass.</li> </ul>	<p>The strategy has been amended to emphasise this.</p>
<ul style="list-style-type: none"> <li>More carparking is needed in the Toukley town centre and the Norah Head retail precinct. The Strategy should include recommendations for a multi-deck carpark in the western Coles car park, use of the vacant blocks on Yaralla Street (near the Senior Citizens) and additional carparking in Mazlin Reserve, Norah Head.</li> </ul>	<p>The Strategy has been amended to reflect these suggestions.</p>
<ul style="list-style-type: none"> <li>Pedestrian links should be created linking Mazlin Reserve, Cabbage Tree Bay and the rock pool to the retail precinct.</li> </ul>	<p>The Strategy has been amended to reflect these suggestions.</p>
<ul style="list-style-type: none"> <li>Rezoning of three street blocks from Toukley Public School to Canton Parade is unnecessary except to increase population numbers. There is no real linkage to other Residential B areas. If redeveloped these town houses would stand alone.</li> </ul>	<p>The important link is not to other Residential B areas but proximity to East Toukley Shops, facilities such as those at Ray-Header Street open space area and public transport. The zoning will allow for low scale housing choice with more people closer to facilities.</p>
<ul style="list-style-type: none"> <li>Concerned at the north side of Canton Parade being zoned Residential B in contrast to the south side. This will lead to more traffic; localised flooding will be made worse and a different demographic will be accommodated on the north side.</li> </ul>	<p>While traffic and localised flooding can be managed through the LATM Plan and Council's capital works and maintenance program, there is in this instance merit in locating the zone boundary mid-block as property on the northern side of Canton Parade is outside the 400-500m optimum walking distance of facilities. The Strategy has been amended to reflect this.</p>

ISSUES	COMMENT
<ul style="list-style-type: none"> <li>All the media and advertisement of the draft Strategy has been worded in such a way that makes it seem that it only affects the commercial district of Toukley. Neighbours share this view.</li> </ul>	<p>All public advertisements have clearly stated in bold under the 'Draft Toukley Planning Strategy' heading: '(Covering Toukley, Canton Beach, Noraville and Norah Head)'. Subsequent text in most of the newspaper advertisements, displays and FAQ sheets contain a lead in statement "The draft Toukley Planning Strategy has been prepared to guide the future planning of Toukley and surrounding areas."</p>
<ul style="list-style-type: none"> <li>We're concerned at rezoning half of Bellbowrie Street to Residential C (3-5 storeys) and half to Residential B (2 storeys) (either side of Cochrane Avenue). The 3-5 storey development will lead to drastic overshadowing, increased traffic and noise. This will also create a 'boxed in' feel.</li> </ul>	<p>The Precinct 6 Strategy Map contains an error. Land fronting the eastern side of Cochrane Avenue should read Residential C – 3 storeys not 3-5 storeys, so as to provide a transition in height from the west to the east. The Strategy was amended to address this. Buildings will only be permitted up to 5 storeys where sites are consolidated to provide substantial setbacks to reduce building scale, overshadowing and privacy impacts.</p>
<ul style="list-style-type: none"> <li>Canton Beach floods in heavy rain, how does the area sit with climate change.</li> </ul>	<p>This matter is addressed within the body of the report.</p>
<p>One petition with 100 signatures was received, which raised objection to the Strategy based upon the following concerns:</p> <ul style="list-style-type: none"> <li>Shadowing of property by multi storey complexes up to 5 storeys.</li> <li>Lack of infrastructure, roads and water supply.</li> <li>Increase in traffic and noise.</li> <li>Potential anti-social behaviour with short-term rentals at Canton Beach.</li> <li>Potential increase in household rates.</li> <li>Potential drop in property value due to the nature of tourism facilities.</li> </ul>	<p>Shadowing by new development must be assessed at development application stage for compliance with SEPP 65 and DCP Chapter 64 – Medium and High Density Development in terms of shadow impacts upon adjoining properties.</p> <p>It is recognised that infrastructure and roads will need to be upgraded to cater for increased growth. There will be increased traffic that will be managed through a LATM Plan. Noise under the Strategy is not expected to exceed relevant Environmental Protection Authority (EPA) guidelines.</p> <p>Anti-social behaviour is currently observed by some local residents in this area. Rejuvenation of the area is expected to lead to a fall in this type of activity.</p>
<p>Darwinjung Local Aboriginal Land Council – Darwinjung LALC identified that potential issues for conflict could result from development or improvement to Darwinjung land registered or potential aboriginal sites and cultural heritage and from changes to open spaces including foreshores, bicycle/walking paths and development at Canton Beach. Darwinjung LALC recommended they be notified of such changes, improvements or development to open spaces.</p>	<p>Some property values may increase due to land rezoning. This will impact on rates, however Council does provide the option of postponed rates for a single dwelling site that has been 'up zoned'. The postponed rates accumulate and are only payable when and if the higher use is developed on the site.</p> <p>Appropriate notification will be made to advise Darwinjung LALC of proposed changes, improvements or development of open space that could impact Darwinjung land, and registered or potential Aboriginal sites and cultural heritage.</p>

Darwinjung LALC would like involvement in a range of the proposed implementation measures including gateway treatments, streetscape signage, public art, tourist and eco tourist promotion, management of open space, social community, cultural and heritage issues and partnership to promote connectedness.

Council will continue to strengthen its working relationship and partnership with Darwinjung LALC as outlined in the recently signed "Principles of Co-Operation".

### **3.2 Lower Wyong River Floodplain Risk Management Plan**

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TRIM REFERENCE: CPA/104863 - D02371274

MANAGER: Martin Johnson, Manager, Planning – Legal and Policy  
AUTHOR: Lara Critchley, Senior Planning Engineer (Hydrology)

#### **SUMMARY**

As part of Wyong Shire Council's Floodplain Management program, the Lower Wyong River Floodplain Risk Management Plan (FRMP) has been prepared in accordance with the NSW Government Floodplain Management Program. The Plan provides Wyong Shire Council with a set of measures to improve the floodplain management and flood risk in the Lower Wyong River catchment.

#### **RECOMMENDATION**

- 1 Council adopt the Lower Wyong Floodplain Risk Management Plan.**
- 2 Council staff commence implementation of the recommendations contained within the Plan.**

#### **BACKGROUND**

The Lower Wyong River Floodplain Risk Management Study (FRMS) draws on the results of a number of previous studies undertaken in relation to flooding events for the Wyong River and Mardi Creek. Information derived from these previous studies, as well as additional data collected for the Study, were used to assess a range of feasible floodplain management options for the Lower Wyong River catchment, which are presented in the Lower Wyong River Floodplain Risk Management Plan (FRMP).

This floodplain management study and plan (FRMS&P) have been the subject of a lengthy development process, with a draft FRMS&P for the Lower Wyong River prepared in 1996, however, this study was never placed on public exhibition or adopted by Council. Since this time, there have been numerous residential, commercial and industrial developments within the Lower Wyong River catchment, as well as developments such as Kooindah Waters, the Tuggerah Supa Centre, the Pacific Highway upgrade along Tuggerah Straight and raising of the Main Northern Railway embankment.

This Study has essentially extended and expanded upon the existing draft floodplain management study and has now included all new developments within the catchment, updated flood damage estimates, and identified and mapped flood hazard categories. The 2010 Study and Plan have been prepared in accordance with the NSW Floodplain Development Manual (2005) and was partly funded by the Department of Environment, Climate Change and Water (DECCW) under its Floodplain Management Program.

It is currently estimated that there are 404 houses within the Lower Wyong River floodplain with habitable floor levels lower than the flood planning level (FPL). The FPL is defined as 1% Annual Exceedance Probability (AEP) flood level (which is also referred to as the 100 year Average Recurrence Interval level) with a freeboard added to it. In addition to the residential properties, there are approximately 147 commercial and light industrial properties with floor levels below the 1% AEP flood level. This equates to an estimated potential mean annual (both direct and indirect) cost of flood damage in the Lower Wyong River catchment of \$8.46 million dollars. Approximately 82% of these damages are sustained by the commercial and light industrial properties, 11% sustained by public utilities and the remaining 7% incurred by residential properties.

The bulk of the flood liable land within the Lower Wyong River catchment has been developed, with existing and future development pressures essentially considered in terms of:

- Rezoning of the land to more intensive forms of development;
- Re-development of existing building stock;
- Intensifying of population density by subdivision of large residential blocks into two smaller allotments and subsequent re-building of additional dwellings;
- Intensifying population density by pressure for “granny flat” style developments;
- Concessional development of rural land, and
- Intensification of current land uses via “existing use” rights.

Council has a legal and social obligation to manage the flood risk within the Lower Wyong River catchment, which includes residential, commercial, environmental and recreational users of the floodplain. Despite the large areas of the Lower Wyong River floodplain that are already occupied, Council has the opportunity to manage the continuing flood risk for these occupants, as well as minimise future flood risks with flood mitigation measures that are specific to the Lower Wyong River catchment.

Flood studies rely exclusively on information on flood depth and velocities, whereas a floodplain risk management plan (FRMP) includes an assessment of the true flood hazard and an assessment of the cumulative impacts of future development options. The FRMP uses the information from the flood study, considers the social, economic, ecological and cultural costs and benefits of options to manage the existing, future and continuing flood risk in all areas of the floodplain. The resultant floodplain risk management plan includes an appropriate mix of management measures to effectively manage the full range of flood risk specific to that catchment. The development of FRMP requires input from the community as well as emergency services, which is achieved through the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.

Reference is made to Attachment 1 – “*Adopted flood hazard (Based on 1% AEP flood)*”.

For effective floodplain management, the floodplain is divided into ‘hydraulic categories’, and ‘hazard categories’. Hydraulic categories are generally divided into three (3) categories being flood fringe, flood storage and floodway. Hazard categories are generally divided into two (2) categories being high and low hazard. As such, there can be up to six (6) categories of floodprone land:

1. Low Hazard - Flood fringe
2. Low Hazard – Flood Storage
3. Low Hazard – Floodway

4. High hazard – Flood fringe
5. High hazard - Flood Storage
6. High hazard – Floodway

A comprehensive analysis of flood hazard to establish risk can only be made within the strategic framework of a floodplain risk management plan. Once the hydraulic hazard has been established based on hydraulic principles only, it is refined to incorporate several other factors, including flood warning, flood access and emergency evacuation routes, flood awareness and type of development, to establish the (true) adopted flood hazard.

The floodplain of Lower Wyong River has been divided into four (4) of these categories. Due to the characteristics of the floodplain of Lower Wyong River, no areas of flood fringe have been identified.

These hazard categories are required to assess the potential impact of development activities on flood behaviour, as well as the impact of flooding on the development and people. As per the NSW Government Floodplain Development Manual (2005), hydraulic and hazard categories are used to determine appropriate types of land development in flood-prone lands whilst ensuring there is not unnecessary sterilisation of flood prone land. This ensures that all development within the Lower Wyong River catchment is considered consistently and floodprone land is not subject to uncontrolled and ad-hoc development inconsistent with its flood risk.

The Lower Wyong River Floodplain Risk Management Plan (FRMP) was placed on public exhibition at the end of 2009. Community consultation was also held in 1995, during development of the draft FRMP of 1996.

## **THE PROPOSAL**

The general thrust of floodplain management options involving capital works is directed towards protection/mitigation measures for existing development. Future development is best addressed through land use planning and development controls. In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the NSW Floodplain Development Manual.

As part of the flood mitigation options assessment for the Lower Wyong River FRMS, structural, non-structural and response modification measures were considered. The benefit and cost of each option was examined, with six (6) options recommended for implementation for the Lower Wyong River catchment.

With the bulk of the flood liable land of the Lower Wyong River catchment already developed, the focus of the plan relates to land use planning and development controls. These controls consider the existing properties within the Lower Wyong River floodplain, as well as the future and on-going flood risk to properties.



### 3.2 Lower Wyong River Floodplain Risk Management Plan (contd)

A summary of the Lower Wyong River FRMP is outlined below:

Category	Response	Priority	Duration	Projected cost
Land Use Planning	Develop Flooding DCP	High	12 Months	\$30,000
Maintenance of flood risk activities	Develop formal communication channels with State Rail Authority and Wyong Nursing home'	High	On-going	\$6,000 per annum
Maintenance of existing infrastructure	Develop maintenance schedule for rainfall gauges	High	On-going	\$6,000 per annum
External communications	Enable transfer of Wyong Shire council flood data to SES	High	On-going	\$5,000 per annum
Public Information	Undertake publication of flood information every four years	Medium	On-going	\$4,000 every 4 years
Technical studies	Update hydrologic and hydraulic models, complete flood model.	High	12 Months	\$100,000 per annum

These flood mitigation measures are specific to the Lower Wyong River catchment only.

Due to the extent and density of existing development in the floodprone land of the Lower Wyong River, land use planning is considered the most important component of the Plan. Reference is made to Chapter 3 of the Enclosure.

The Plan strongly recommends formalisation of the Development of Floodprone Land from the current Policy version, to a Development Control Plan (DCP) Chapter. A DCP has greater legislative weight than a Policy and the current Policy F5 does not meet the standard required under the State Government's Floodplain Development Manual 2005 (FDM).

The current Flooding Policy contradicts the FDM by permitting development in floodway areas and encouraging significant development of flood liable land. As such, the Plan recommends changes to the controls listed in Policy F5 to be considered for the Lower Wyong River floodplain, as indicated below, until such time as a DCP is developed and adopted by Council.

## Proposed Development Controls – Lower Wyong River Catchment:

Type of Development <sup>(7)</sup>	Flood Hazard Categories			
	Flood Fringe	Flood Storage		Floodway
		Low Hazard	High Hazard	
<b>LAND ZONED RESIDENTIAL</b> <sup>(1) (2) (3) (4) (5) (6)</sup>				
Concessional (see definition below)	On Merits	On Merits	On Merits	Unsuitable land use
Infill development			On Merits	
New Development			Unsuitable land use	
<b>LAND ZONED COMMERCIAL / LIGHT INDUSTRIAL / INDUSTRIAL OR SIMILAR</b> <sup>(3) (4) (5) (6)</sup>				
Concessional (see definition below)	On Merits	On Merits	On Merits	Unsuitable land use
Infill development			On Merits	
New Development			Unsuitable land use	
<b>LAND ZONED RECREATION, OPEN SPACE, CONSERVATION ZONE, NON URBAN CONSTRAINED LANDS, SPECIAL USES</b> <sup>(1) (2) (3) (4) (5) (6)</sup>				
Structures, including buildings and filling	On Merits	On Merits	Unsuitable land use	Unsuitable land use
Other developments permissible in zone, i.e wetlands, playing fields, parks, walkways, etc...	On Merits	On Merits	On Merits	Unsuitable land use
<b>REZONING TO MORE INTENSE LAND USE</b>	On Merits	On Merits	Unsuitable land use	Unsuitable land use
<b>ALL ZONE TYPES SUBDIVISION</b>	On Merits	On Merits	Unsuitable land use	Unsuitable land use

<sup>(1)</sup> The maximum size of residential (enclosed) garages in high hazard flood storage areas is proposed at 50 m<sup>2</sup>. This is based on the size of a double car garage and small storage area. The cumulative impact of garages larger than these in the floodplain is considered high. Open styled carports are considered more appropriate in this area.

<sup>(2)</sup> Freeboard for all development is to be increased to 500mm in line with the Floodplain Development Manual and current best practice. This does not include a climate change allowance.

<sup>(3)</sup> Fencing must not result in any significant obstruction of the flow of floodwaters. Continuous solid fencing will not be permitted in high hazard areas.

<sup>(4)</sup> Environmental Improvement works sympathetic to the surrounding environment and Essential Infrastructure are to be considered on merits in all flood hazard categories.

<sup>(5)</sup> The construction of new or upgrade of existing roads will be considered on merits.

## 3.2 Lower Wyong River Floodplain Risk Management Plan (contd)

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<sup>(6)</sup> *Mine subsidence areas will have an additional allowance added to it. Please refer to the Mine Subsidence Board for further information.*

<sup>(7)</sup> *Concessional Development is considered as the following:*

- *Dwelling additions up to 40m<sup>2</sup> at no less than the same level as the existing approved building. The allowance for additions shall be made no more than once for any given property.*
- *Additions to Commercial and Industrial Uses of up to an additional 100 m<sup>2</sup> or 20% (whichever the less) of the Gross Floor Area of the existing building at no less than the same level as the existing building. The allowance for additions shall be made no more than once for any given property.*

*Infill development: refers to the development of vacant blocks of land that are generally surrounded by developed properties.*

*New development: refers to development of a completely different nature to that associated with the former land use, or likely to increase the population density.*

**NOTE - Anything that is to be “considered on merits” must be referred to a Development Engineer.**

### OPTIONS

Due to the extended time period that has elapsed in relation to the development and adoption of the Lower Wyong River FRMS&P, there were several options available to enable the completion of the study. These were:

- Build upon the draft Lower Wyong River FRMS&P completed in 1996, updating as applicable to incorporate current standards, whilst achieving compliance with the NSW Floodplain Development Manual (2005);
- Complete revision of the Lower Wyong River flood study using two dimensional software, followed by a review of the floodplain risk management study and plan. This process would take a minimum of three years to complete.
- The “Do Nothing” approach. This would require the assessment of development in the Lower Wyong River floodplain to continue on an ad-hoc basis, without consideration for the cumulative impacts on flood behaviour and risks caused by individual developments or works. Applicants and Council staff would then be required to refer to the NSW Floodplain Development Manual (FDM) (2005) to satisfy the “merits based approach” as Councils current F5 Policy – Flood Prone Land Development, does not meet the standard required under the current FDM.

**STRATEGIC LINKS****Annual Plan**

<b><i>Principal Activity</i></b>	<b><i>Strategy or Program</i></b>	<b><i>Financial Line Item No and Description</i></b>
A More Sustainable Community	Communities Education	Nil impact
A More Sustainable Economy	NIL	Nil impact
A More Sustainable Environment	Natural Areas	Nil impact
Infrastructure	NIL	Nil impact
Organisation	NIL	Nil impact

**Contribution of Proposal to the Principal Activity****Link to Shire Strategic Vision**

<b><i>Priority Objective</i></b>	<b><i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i></b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	<p><b>Relevant Annual Plan Strategies:</b></p> <p>1.5 – Develop and implement the Wyong Shire Settlement Strategy</p> <p><b>Comment</b></p> <p>The adopted flood hazard information will be used to inform the preparation of Wyong Local Environmental Plan 2011 and Development Control Plan 2011.</p>
<b>Travel</b> - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Nil impact
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil impact

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<p><b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p><b>Relevant Annual Plan Strategies:</b></p> <p>4.4 – Establish and maintain a committed network of education, community, business and government representatives.</p> <p><b>Comment</b></p> <p>Flood awareness and flood education is a very important component of floodplain management. The Lower Wyong River catchment is highly developed, and as such it is important the community, including residential and commercial / industrial occupiers of the floodplain, are kept fully informed in relation to flood information. Networking, involving Wyong Shire Council, the community and personnel involved with floodplain management will ensure the best opportunity is afforded to keep people fully informed.</p>
<p><b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>Nil impact</p>
<p><b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>Nil impact</p>
<p><b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p>	<p><b>Relevant Annual Plan Strategies:</b></p> <p>7.4 – Develop and implement strategies to reduce the Shire's environmental footprint.</p> <p><b>Comment</b></p> <p>Implementation of the proposed development controls that are consistent for the whole of the Lower Wyong River catchment will ensure that floodways are kept free from development.</p>
<p><b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.</p>	<p>Nil impact</p>

## Financial Implications

Category	Projected cost	Source funding
Land Use Planning	\$30,000	<ul style="list-style-type: none"> <li>• Staff salary</li> <li>• Draft Flood Prone Land Development DCP currently being prepared by Council officers.</li> <li>• Public exhibition of Draft Flood Prone Land Development DCP expected before Christmas 2010.</li> </ul>
Maintenance of flood risk activities	\$6,000 per annum	<ul style="list-style-type: none"> <li>• Staff salary</li> </ul>
Maintenance of existing infrastructure	\$6,000 per annum	<ul style="list-style-type: none"> <li>• Predominantly staff salary</li> <li>• Currently, \$10,000 per annum is allocated to maintenance of flood warning devices in Wyong Shire.</li> <li>• WSC received \$10,000 in 2010/11 financial year from the Natural Disaster Resilience Grant Scheme (NDRGS) funding to upgrade the flood warning system in Wyong River.</li> <li>• Council is required to allocate \$5,000 in 2010/11 financial year as NDRGS funds are allocated on 2:1 basis.</li> <li>• This amount has been included in 2010/11 Annual Plan.</li> <li>• It is recommended that WSC continue to allocate a minimum of \$10,000 per year for maintenance of flood warning system.</li> </ul>
External communications	\$5,000 per annum	<ul style="list-style-type: none"> <li>• SES representative on the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee, who attends the monthly meetings.</li> <li>• Additional communication works will be covered by staff salary.</li> </ul>
Public information	\$4,000 every 4 years	<ul style="list-style-type: none"> <li>• Predominantly covered by staff salary.</li> <li>• Small amount may be required to cover printing costs. Can apply for grant funding for such works.</li> </ul>
Technical studies	\$100,000 per annum	<ul style="list-style-type: none"> <li>• \$80,000 received in 2010/11 financial year from the Natural Disaster Resilience Grant Scheme funding to commence the Wyong River catchment flood study.</li> <li>• Council is required to allocate \$40,000 in 2010/11 financial year for this project as NDRGS funds are allocated on 2:1 basis.</li> <li>• This amount has been included in 2010/11 Annual Plan.</li> </ul>

### **Principles of Sustainability**

A properly considered floodplain risk management plan will enable the ongoing use and occupation of the floodplain in a sustainable manner. As stated in the 2005 NSW Floodplain Development Manual, the advantages to the community and Councils of a properly considered floodplain risk management plan will include:

- Proper basis for managing and using floodprone land to provide a balance between danger to personal safety and economic losses due to flooding, and social, ecological and cultural interests. This provides the current and future community best value for managing and using the floodplain;
- Optimise use of community infrastructure such as roads, water supply and sewerage;
- Strategically assessing future developable land so that impact of development on flooding and the affects of flooding on development can be effectively considered. This allows the community to grow in a responsible and socially cohesive fashion in consideration of flood issues.

### **CONSULTATION**

The Lower Wyong River Floodplain FRMS&P have been developed in accordance with the 2005 NSW Floodplain Development Manual and DECCW Floodplain Development Program.

As such, there has been on-going consultation with the community via the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC). This Committee has representatives from Wyong Shire Council technical staff and elected Councillors, community representatives, officers from DECCW, officers from the SES, and representatives of relevant industry bodies, such as the local Catchment Management Authority (CMA) and Department of Lands (DOL).

Community consultation was held in 1995 with community workshops and formal correspondence with 17 government agencies and 20 community groups. Approximately six responses were received from the government agencies, and four formal submissions were received from the general public.

During the public exhibition of the Lower Wyong Floodplain RMS&P in 2009, only one verbal response was received from the general public.

All of the issues that were raised by the above consultations have been listed in the Lower Wyong FRMP, with measures incorporated into the Plan where appropriate to manage these issues.

## GOVERNANCE

The following Legislation has been referred to in the preparation of the Lower Wyong River FRMP:

NSW Flood Prone Land Policy,  
NSW Local Government Act (1993)  
Wyong Local Environmental Plan (1991)  
Wyong Development Control Plan 2005  
NSW Government Floodplain Development Manual (2005)  
Wyong Shire Council Policy F5 – Flood Prone Land Development  
Wyong Shire Council Policy F3 - Filling of Land

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the Floodplain Development Manual. As such, the Lower Wyong River FRMP must be adopted by the elected Council, as stated in the 2005 NSW Floodplain Development Manual.

## CORPORATE RISKS

Wyong Shire Council is responsible for the management of the Lower Wyong River floodplain. As such, Council has an obligation to reduce the impact of flooding and flood liability on individual owners and occupiers of floodprone property, and to reduce private and public losses resulting from floods, utilising ecologically sustainable measures. The ongoing use and occupation of the Lower Wyong River floodplain must be managed in a manner consistent with Wyong Shire Council's long-term SSV.

This Plan has been prepared in accordance with the NSW Government Floodplain Development Manual, and Department of Environment, Climate Change and Water Floodplain Management Program. Accordingly, should the recommendations from the Plan be adopted and implemented by Council, Council can refer to Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone* should floodplain management issues arise on the Lower Wyong River floodplain associated with flood damage to private or public properties.

## CONCLUSION

Having regard to the above, the following conclusions are reached:

- Wyong Shire Council is responsible for floodplain management of the Lower Wyong River catchment. In accordance with Council's planning responsibilities under the EP&A Act, Council must plan and manage flood prone land according to its flood exposure;
- The Lower Wyong River floodplain risk management plan (FRMP) has been prepared in accordance with the 2005 NSW Floodplain Development Manual and the Department of Environment, Climate Change and Water (DECCW) Floodplain Management Program.

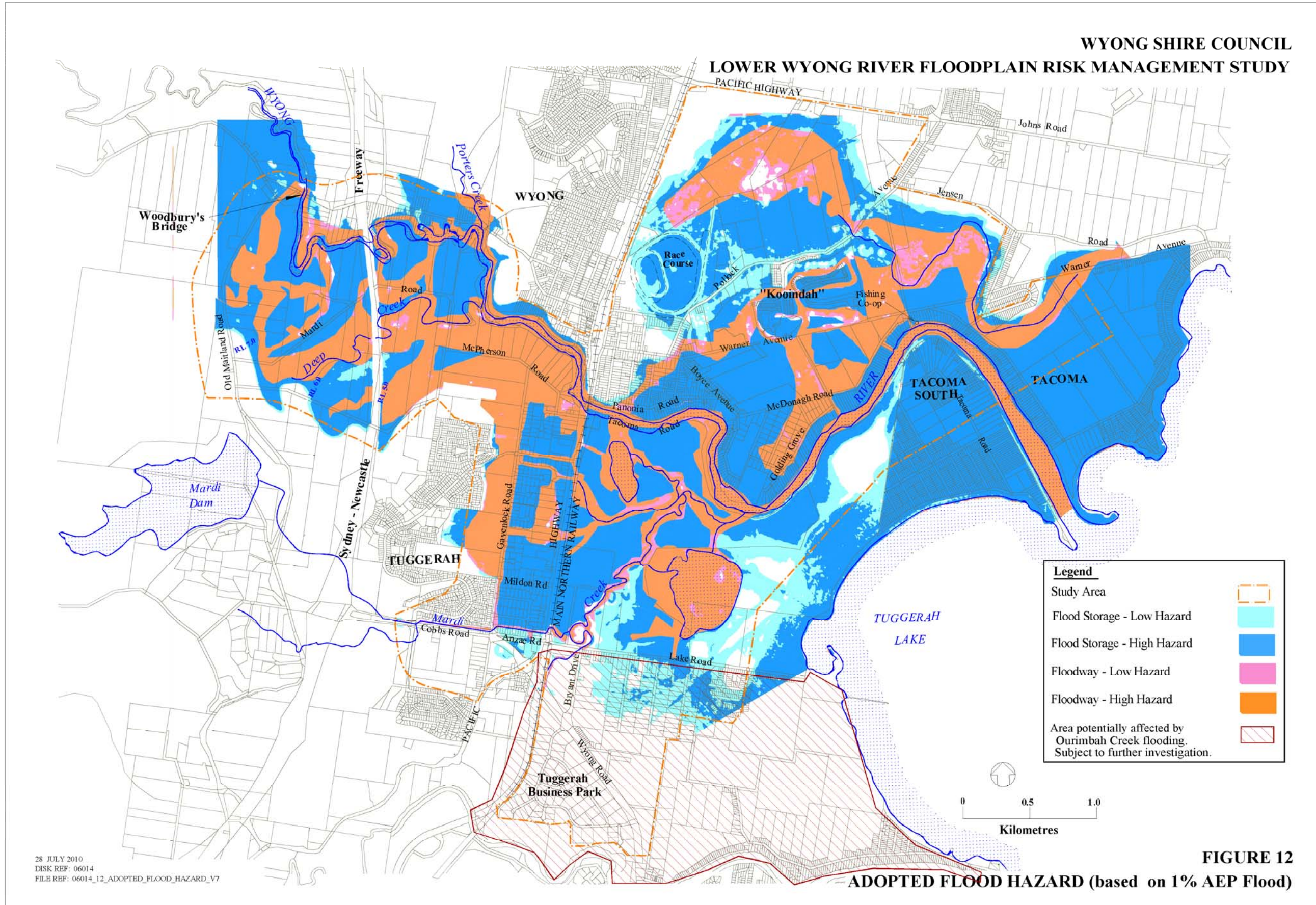


- The bulk of the flood liable land of the Lower Wyong River catchment has been developed, with currently an estimated 404 residential houses on the Lower Wyong River floodplain with habitable floor levels lower than the flood planning level, and approximately 147 commercial and light industrial properties with floor levels below the 1% Annual Exceedance Probability (AEP) flood level.
- A comprehensive analysis of flood hazard to establish flood risk was developed for the Lower Wyong River catchment within the strategic framework of a floodplain risk management plan, with the resultant adopted flood hazard indicated on Attachment 1 - *“Adopted flood hazard (Based on 1% AEP flood)”*.
- With the bulk of the flood liable land of the Lower Wyong River catchment already developed, the focus of the plan is based on land use planning and development controls. These controls consider the existing properties within the Lower Wyong River floodplain and the on-going flood risk to these properties, as well as managing the flood risk for new developments.
- The recommended actions listed in the Plan require no additional funds from Council from those listed in the 2010/2011 Annual Plan. Grant funding and the 2010/2011 Annual Plan funds are adequate to cover the cost of recommended works.

#### ATTACHMENTS

- |   |  |                     |
|---|--|---------------------|
| 1 | Lower Wyong River Floodplain Risk Management Study - Map   | D02374641           |
| 2 | Attachment to Council Business paper 27 October 2010 Lower Wyong river Floodplain Risk Management Plan | Enclosure D02374633 |







#### **4.1 Renewal of Lease of Part of the Charmhaven Depot Site - Lot 22 DP 221456**

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TRIM REFERENCE: F2004/11090 - D02369729

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Susan Loder, Officer, Property

#### **SUMMARY**

The Rotary Club of Northlakes Toukley Inc has sought a renewal of its lease of a storage building on Council's Charmhaven depot site at Chelmsford Road, Charmhaven.

#### **RECOMMENDATION**

- 1 That Council authorise the renewal of the lease of part of Lot 22 DP 221456 to the Rotary Club Northlakes of Toukley Inc for a further term of five years from January 1, 2011 for nominal rent and on the same terms and conditions as the current lease.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Deed of Lease between the Wyong Shire Council and the Rotary Club of Northlakes Toukley Inc.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Lease between the Wyong Shire Council and the Rotary Club of Northlakes Toukley Inc.**

#### **BACKGROUND**

The Rotary Club of Northlakes Toukley currently leases an area of 189.7 square metres of land within Council's Charmhaven works depot site, being part of Lot 22 DP 221456. The Club erected a building upon the leasehold for storage of equipment in September 1982.

The primary function of the building is to provide storage for the display stands, lighting equipment, stairs and other ancillary equipment used for the annual Central Coast Festival of Arts Wyong. The current lease for a term of five years at nominal rent expires on December 31, 2010

The lessee is responsible for maintenance and repairs, public liability, building insurance and outgoings.

Lot 22 DP 221456 is classified as operational land and there is no impediment to the lease.

#### **THE PROPOSAL**

The Rotary Club Northlakes Toukley seeks renewal of its lease for a further term of five years on expiry of the current lease on the same terms and conditions as the current lease.

## 4.1 Renewal of Lease of Part of the Charmhaven Depot Site - Lot 22 DP 221456 (contd)

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The current lease provides that the lessee will be responsible for all outgoing and expenses associated with the lease, and to maintain, repair and insure the premises. Council has no current or mid-term plans for alternate future use of the land.

### OPTIONS

1. Approve the lease proposal for the continuation of the lease to The Rotary Club of Northlakes Toukley for 5 years until 31 December 2015. This supports community development to facilitate events and activities that create a sense of community, increase local awareness and increase knowledge of the shire.
2. Refuse a renewal of the lease at this time in which event the lease will expire on 31 December 2010, the lessee will need remove from the land all or part of the improvements as directed by Council, and find alternate accommodation.

### STRATEGIC LINKS

Council provides a range of services to enhance the quality of the Shire's residents both now and in the future the Council is assisting the annual Central Coast Festival of Arts by allowing Rotary to use the area for storage for the annual festival.

#### **Annual Plan**

Community Development Council facilitating community art partnerships. Strategy 1.1 Continue to implement Public Art projects

#### **Contribution of Proposal to the Principal Activity**

Community Development Council facilitating community art partnerships such as the annual Central Coast Festival of Arts.

#### **Link to Shire Strategic Vision**

2010-2011 Programs & Projects

2. Continue to implement Public Art projects.

#### **Financial Implications**

Nil Impact.

#### **Principles of Sustainability**

At Council we build partnerships, engaging with and listening to the community, build and strengthen partnerships and alliances, such as The Rotary Club of Toukley and their work in relation to the community.

### CONSULTATION

WSC has considered future planning and development assessment requirements as well as consulted with the current staff managing the Depot facility and no objection to the new lease has been raised.

### GOVERNANCE

The Conveyancing Act 1919 applies in respect to leases and the Local Government Act 1993 enables Council to lease Council land.

4.1 **Renewal of Lease of Part of the Charmhaven Depot Site - Lot 22 DP 221456 (contd)**

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**CORPORATE RISKS**In relation to the decision making processes Council making a decision that may lead to the community dissatisfaction.

**CONCLUSION**

The Rotary Club of Northlakes Toukley Inc has sought a renewal of its lease of a storage building on Councils Charmhaven depot site at Chelmsford Road, Charmhaven and approval of the renewal will continue Council' support of voluntary organisations.



**ATTACHMENTS**

*Nil.*

## **4.2 Proposed Lease to Scout Association of Australia of Part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan**

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TRIM REFERENCE: F2008/01306 - D02382328

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Julie Tattersall, Officer, Property

### **SUMMARY**

The Scout Association of Australia has requested a lease of Part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan.

### **RECOMMENDATION**

- 1 That Council approve a lease of Part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan to Scout Association of Australia for a period of twenty years at nominal rent subject to development consent being granted for construction of a scout hall.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Scout Association of Australia.**
- 3 That Council authorise the Mayor and the general Manager to execute all documents relating to the Lease.**

### **BACKGROUND**

First Gwandalan Scout Group, through its incorporated association Scout Association of Australia, has requested a lease of part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan (the land) for use as a scout hall.

Gwandalan Scouts has lodged a Development Application for the construction of a scout hall which, at the time of writing this report, is being assessed. Council had concerns with the initial location of the building as proposed by Gwandalan Scouts. Following an onsite meeting on 26 July 2010 an alternate site was agreed subject to that location not affecting the existing sewer main, compliance with parking requirements, compliance with building requirements and approval by the NSW Office of Water and Energy for construction within 40 metres of a watercourse.

Gwandalan Scouts has been providing scouting opportunities for youth in the area for more than 27 years in numerous and varied venues in the area. The group established a special hall building fund and over a period of 15 years has raised \$60,000 for the purpose of providing a purpose built hall. In 2009 the group was successful in obtaining a Community Building Partnership Grant of \$40,000 towards the construction of the scout hall.

Gwandalan Scouts has over thirty youth members, however due to the lack of a suitable venue; the three sections of the group meet in three different venues. It is envisaged that a

## 4.2 Proposed Lease to Scout Association of Australia of Part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan (contd)

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purpose built scout hall will help attract more members and improve the effect of the programs offered by the volunteer leaders.

The group has requested a lease for a period of twenty years to enable continued growth and development of the group and security in view of the monetary outlay. Nominal rent has been requested due to the community service provided by the volunteer group.

The land is zoned 6 (a) Open Space & Recreation and Lots 15 and 16 have a total area of approximately 1,100 m<sup>2</sup>. Lots 15 and 16 and the adjoining Gwandalan Community Hall are classified as Community Land and is included in Plan of Management No 5 for Community Use.

### THE PROPOSAL

If the Development Application is approved, Scouts will be required to enter into a Lease with Council to use the land for the purpose of carrying out the lawful activities and objectives of the Australian Scout Association. If development consent is not granted, the lease will not proceed.

Under the lease, Scouts will be responsible for maintenance and repairs, building and public liability insurance. Improvements erected on the land by Scouts become the property of Council on termination of the lease or any renewal.

A lease for ten years is preferable to a term of twenty years to be consistent with other leases of Community Land which provide Council with greater flexibility in terms of future uses of its land. The Scouts has requested a term of twenty years to provide security of tenure and in recognition of the considerable efforts by the group to raise and secure funding for the construction of the scout hall.

Nominal rent is recommended due to the community service provided and the amount of investment by Gwandalan Scouts.

### OPTIONS

Council may authorise a lease to allow what may be an important community facility to proceed or Council can refuse a lease and the proposal will not proceed.

### STRATEGIC LINKS

#### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	To provide Facilities and Services for recreation, culture, health and education.	Nil Impact

### **Contribution of Proposal to the Principal Activity**

On the basis that the facility is proposed by a not for profit community organisation to provide recreation and education opportunities for youth in Wyong Shire, the proposal is likely to contribute to a more sustainable community.

### **Link to Shire Strategic Vision**

<b><i>Priority Objective</i></b>	<b><i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i></b>
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	The proposal will provide a local facility for the recreation and education of youth.

### **Financial Implications**

The proposal is to be funded by Gwandalan Scouts from its hall building fund as to \$60,000 and from a Community Building Partnership Grant of \$40,000. Gwandalan Scouts will be responsible for maintenance, insurance and rates in association with the lease of the land.

### **Principles of Sustainability**

The proposal will have a positive effect on the development of a healthy, equitable, active and involved community.

### **CONSULTATION**

Gwandalan Scouts has been consulting with Council in respect to its Development Application and has requested a lease of Council's land to enable the construction to proceed once development approval has been granted.

### **GOVERNANCE**

Section 46 of the Local Government Act, 1993 provides that Council may lease Community Land authorised in a Plan of Management for a period not exceeding 21 years.

### **CORPORATE RISKS**

Nil Impact.





## CONCLUSION

Approval is sought for Council to authorise a lease of part of Lots 15 and 16 DP 27722 at Koowong Road, Gwandalan subject to development consent being granted for construction of a scout hall.

## ATTACHMENTS

*Nil.*

## 5.1 Presentation on 2009-10 Annual Financial Reports

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TRIM REFERENCE: F2010/00115 - D02310917

MANAGER: Cate Trivers Manager, Financial Services  
AUTHOR: Stephen Goldborough, Senior Financial Accountant

### SUMMARY

Report on the presentation by Council's External Auditor of the audited 2009-10 Financial Reports and External Audit Report.

### RECOMMENDATION

- 1 ***That Council present the Audited Financial Reports for 2009-10 in accordance with the Local Government Act 1993.***
- 2 ***That Council invite the External Auditor, Mr Dennis Banicevic (representing Price Waterhouse Coopers) to present the Auditor's report on Council's Annual Financial Reports for 2009-10.***

### BACKGROUND

Council at its meeting held on 13 October 2010 resolved in part as follows:

*"RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor GRAHAM:*

- 1 *That Council adopt the draft Wyong Shire Council financial statements for 2009/10 as presented.*
- 2 *That Council refer the draft Wyong Shire Council financial statements for 2009/10 (as presented) to external audit.*
- 4 *That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2009/10 financial reports as required by legislation.*
- 5 *That Council fix 27 October 2010 as the date for the presentation of the audited 2009/10 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL"

In accordance with this resolution, Council's External Auditor, Mr Dennis Banicevic of Price Waterhouse Coopers will present the audited 2009-10 Financial Reports and External Audit Report.

**THE PROPOSAL**

Council is required to present and adopt the Audited Financial Reports at a Council meeting and can invite the external auditor to present.

**ATTACHMENTS**

Nil

## **5.2 Request for Support by Gosford City Council against the Proposal by State Government to Introduce Hidden Mobile Speed Cameras Throughout New South Wales**

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TRIM REFERENCE: F2004/11030 - D02360366

MANAGER: Andrew Pearce, Manager, Roads and Drainage  
AUTHOR: Josette Matthews, PA to Managers Roads and Drainage and Business Unit

### **SUMMARY**

Report on request by Gosford City Council to bring Wyong Shire Council's attention to the introduction of hidden mobile speed cameras throughout New South Wales.

### **RECOMMENDATION**

- 1 That Council receive the report on Request for Support by Gosford City Council against the Proposal by State Government to Introduce Hidden Mobile Speed Cameras Throughout New South Wales.**
- 2 That Council support Gosford City Council in their endeavour to lobby against the State Government in regard to this proposal.**

### **BACKGROUND**

Gosford City Council, at its meeting held on 27 July 2010 considered an Urgency Motion in relation to the proposal of the NSW State Government to introduce hidden mobile speed cameras throughout NSW.

The Urgency Motion addressed concerns that this appears to be an action directed at revenue raising by the Government and the generation of profits for a privately owned company rather than a genuine road safety initiative.

At Gosford City Council's meeting of the above mentioned date the following was resolved:

- "1 The State Government immediately cease the operation of privately owned and operated hidden mobile speed cameras, as Council views it as being all about revenue raising for the Government and profits for the privately owned company;*
- 2 Until these cameras are stopped, all revenue be dedicated by the State Government to road improvements in the area where the fines are levied;*
- 3 All unmarked speed cameras be immediately "Police" branded by the State Government to provide a real deterrent for speeding motorists;*
- 4 The State Government provide evidence to the community that this "hidden" type of speed detection has any basis in road safety fact, and is NOT merely a revenue raising exercise and that the practice of a 4 kph tolerance be justified to the community.*

**5.2 Request for Support by Gosford City Council against the Proposal by State Government to Introduce Hidden Mobile Speed Cameras Throughout New South Wales (contd)**

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- 5 *The State Government and Opposition are called upon to develop and announce new road safety policies prior to the next State Election based upon practicable and sensible road safety programs related to education of drivers;*
- 6 *Council make representations to the following:*  
  
*Minister for Transport & Roads  
Premier of NSW  
Leader of the Opposition  
Shadow Ministers  
Our Local NRMA Director, Kyle Loades;*
- 7 *A motion be sent to the LGA Conference calling for the cessation of “hidden” speed detection methods in preference to high visibility methods and education, as well as the dedication of revenue to real and meaningful road and safety improvements to negate the “Black spot” that warrants the speed cameras in the first place;*
- 8 *Wyong Shire Council be provided a copy of our concerns for their consideration and support;*
- 9 *An update report be provided to Council prior to the next State Election on this important issue.”*

The following information was obtained from the Roads and Traffic Authority web page:

“Mobile speed cameras are now being used in NSW to reduce the road toll. Sadly, last year 213 people were killed in speed-related crashes on NSW roads which is almost half of the road toll. Many more people were seriously injured.

The re-introduction of mobile speed cameras was announced by the NSW Government in March 2010 as part of a \$170 million package to curb the state’s rising road toll. Other initiatives include engineering works, highways safety reviews, education campaigns and heavy vehicle research.

Mobile speed cameras have been introduced because they are recognised internationally as a best practice road safety countermeasure to reduce speeding, leading to a reduction in crashes. The introduction of mobile speed camera programs in Queensland and Victoria has reduced casualty crashes in those states by at least 25 per cent.

Mobile speed cameras operate state-wide and enforcement will be conducted at all times, on all types of roads. Drivers are reminded that if they drive within the speed limit they will not be booked for speeding.

Mobile speed cameras are about motorists slowing down and driving within the speed limit everywhere. Mobile speed cameras are effective in reducing speed-related crashes across the whole network because the unpredictability of the location of the cameras leads to a reduction in speeding at all times rather than just on the approach to a camera.

The NSW Government commitment to re-introduce a mobile speed camera program in NSW is based on well documented evidence about the relationship between speeding and road trauma. Mobile speed cameras will reduce our road toll by changing driver behaviour through the use of enforcement anywhere, anytime.

## **5.2 Request for Support by Gosford City Council against the Proposal by State Government to Introduce Hidden Mobile Speed Cameras Throughout New South Wales (contd)**

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The NSW Mobile Speed Camera Program is based on key principles learnt from experiences in other jurisdictions. This has led to significant reductions in road trauma after mobile speed cameras were introduced.

The NSW Fixed Camera Program has a high level of community support due to the proven integrity and road safety benefits of the program. To ensure this community support extends to the NSW Mobile Speed Camera Program, enforcement needs to be fair, impartial and objectively administered in the community interest and based on the achievement of road safety objectives.”

### **Selecting Mobile Speed Camera Locations**

At present there are no mobile speed camera locations in the Wyong Shire area and only one in the Gosford City area which is situated in York Street, East Gosford.

The mobile speed camera locations are selected from crash history criteria. The crash data from 2009 is not yet complete but will be used in the selection of future locations.

### **THE PROPOSAL**

That Council consider the resolution of Gosford City Council in relation to support for their endeavour to lobby against the State Government in regards to the introduction of mobile speed cameras throughout NSW.

### **OPTIONS**

#### **Support Gosford City Council**

Whilst there is no identified site for a mobile speed camera in Wyong Shire, supporting the proposal may enhance Council’s ability to attract funding and ensure accountability from the State Government on the their intended use of the devices and the revenue raised.

Both Councils have a strong relationship in support for each other on matters of a regional significance. Council support will provide weight to the efforts of Gosford City Council as the approach is unified from the Central Coast as region and not an individual Council.

#### **Do not Support Gosford City Council**

If Council decides to remain silent on the issue then there will be a perception that it supports the State Government in the use of mobile speed cameras as a revenue raising exercise.

If Council does not proceed with support for Gosford City Council, it should be noted that Council has always provided support to the efforts of the State Government and other bodies in ensuring safer roads for all users.

### **STRATEGIC LINKS**

Nil

**5.2 Request for Support by Gosford City Council against the Proposal by State Government to Introduce Hidden Mobile Speed Cameras Throughout New South Wales (contd)**

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**Annual Plan**

Nil

**Contribution of Proposal to the Principal Activity**

Nil

**Link to Shire Strategic Vision**

Nil

**Financial Implications**

Nil

**Principles of Sustainability**

Nil

**CONSULTATION**

Nil

**GOVERNANCE**

Nil

**CORPORATE RISKS**

Nil

**CONCLUSION**

Nil

**ATTACHMENTS**

*Nil.*

### **5.3 Request to Close Walkway between Tristram Close and Renee Close Lake Haven**

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TRIM REFERENCE: F2010/00802 - D02366957

MANAGER: Andrew Pearce, Manager, Roads and Drainage  
AUTHOR: Stephen Dignam, Assets and Planning Manager – Roads and Drainage

#### **SUMMARY**

Report on the proposed closure of the walkway at Tristram Close and Renee Close in response to resident concerns of alleged increased acts of vandalism and anti-social behaviour in the area.

#### **RECOMMENDATION**

- 1** *That Council trial the closure of the pedestrian walkway between Tristram Close and Renee Close Lake Haven for the period of six months, as described in this report.*
- 2** *That Council review the success of the trial closure (including a summary of residents) after three months of the closure and consider a report on that review before making a final decision.*
- 3** *That Council notify the residents consulted on the outcomes of the investigation process.*
- 4** *That Council endorse the criteria and consultative methodology undertaken as part of this report when considering future requests for the closure of pedestrian walkways.*

#### **BACKGROUND**

At the Ordinary meeting of Council held on 11 August 2010 Council considered a Notice of Motion on the proposed closure of Tristram Close and Renee Close Walkway, Lake Haven.

At that meeting it was RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor EATON:

*“That this matter be deferred pending a field inspection of the subject site by Councillors and staff.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL”

See attached report for 11 August 2010 Ordinary Meeting.



### 5.3 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

That report included a table that summarised the results of assessment of the walkway against relevant criteria. The information was reported incorrectly.

Below is the correct information for that part of the report. The remainder of the information in the attached table is correct.

Criteria	Results
Reported police incidents of vandalism	<p>The following incidents were reported to Police. It should be noted these incidents occur within the area not necessarily at the specific walkway.</p> <ul style="list-style-type: none"> <li>• Graffiti – Tristram Close 2</li> <li>• Graffiti – Renee Close 2</li> </ul>
Incidents of vandalism for residential survey.	<p>The following incidents were indicated on the residential survey. It should be noted these incidents occur within the area not necessarily at the specific walkway.</p> <ul style="list-style-type: none"> <li>• Noise 16</li> <li>• Vandalism 16</li> <li>• Abusive language 10</li> <li>• Graffiti 19</li> <li>• Litter etc 17</li> </ul>

## THE PROPOSAL

On the 1 September 2010 the walkway was inspected by Council staff and Councillors Best, Eaton, Matthews, McBride, Symington, Vincent and Wynn.

Discussions took place on options for maintaining the walkway, or closing the walkway and financial implications of each.

## OPTIONS

### Maintain walkway

The results of the resident survey indicated that the majority of those residents who reside near the walkway had a preference for it to remain open whilst pedestrian counts confirmed the high number of users. Many of these users were elderly and would be adversely affected by the closure and having to use the adjacent bushland reserve for access (which is not well lit and is secluded by trees, shrubs and mounded earth).

If the walkway was to remain open it is recommended to place koppers log and wire fencing either side of the constructed pathway at the Renee Close end and that additional P-type steel barriers be installed to restrict motorcycles. This will encourage pedestrian traffic to access via the constructed pathway only, not over the grassed area. It is also recommended to plant mature tree/bush along the fence of No 15 Renee Close to reduce incidents of vandalism of a residents fence and to soften any noise in the walkway.

### 5.3 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

#### Close walkway

The most effective method to prevent public access to the walkway is to construct a “man-proof” fence for the total length of the perimeter of the walkway and reserve frontage at considerable expense. This work should also include the provision of a locked gate at each end of the walkway to allow access for maintenance or to reopen the walkway at any time in the future.

The alternative method of closure is the installation of fencing only across the entrances to the walkway itself which would not necessarily result in any notable reduction in incidents of anti social behaviour, as persons could still access the walkway area over or around the fence via the public reserve.

During the onsite inspection, a discussion was held for the closure of the walkway to consist of a koppers log and wire fence across the access at Tristram and Renee Close. Options for the future rehabilitation of the area or the sale of the land to adjoining property owners could then be considered.

Any form of closure should include the installation of ‘No Through Road’ signage at the Christopher Crescent intersection with Tristram Close and at the Gorokan Drive intersection with Renee Close. “Walkway” signage would be installed indicating the entry/exit points of the adjacent walkway through the adjoining bushed reserve.

In order to gauge the effectiveness of the closure of the walkway it is proposed to trial the option with a koppers log and wire fence across the access at Tristram and Renee Close for a period of 6 months. The success of the trial can then be reviewed before a final decision is taken.

It is recognised that the installation of the trial fencing across the walkway may not necessarily result in any notable reduction in incidents of anti social behaviour as whilst it may restrict users such as the elderly and those with prams, it is considered that a certain element of users will simply traverse over the log fences and continue to use the existing shortest route.

#### STRATEGIC LINKS

##### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	N/A	
A More Sustainable Economy	N/A	
A More Sustainable Environment	N/A	
Infrastructure	N/A	
Organisation	N/A	

**Contribution of Proposal to the Principal Activity**

As this report concerns resident representations regarding existing infrastructure there is no link to an identified proposal in Council's strategic documents other than generally the community having walkways to access public transport, amenities, infrastructure, facilities and services.

**Link to Shire Strategic Vision**

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	The walkway provides neighbourhood links between local streets and communities. The amount of anti-social behaviour is limited and the area is well maintained and generally free of litter. The amount of support from the feedback survey justifies the preferred technical proposal to leave the walkway open.
<b>Travel</b> - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	The closure of the walkway will adversely affect local residents and visitors including the elderly who regularly use this walkway and consider it to be an open safe passage within their local community. The closure will not provide basic travel options and will be detrimental in its affects to some users, particularly at night.
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Again, the closure of the walkway will adversely affect local residents and visitors including the elderly and reduce safe and reasonable access to local facilities such as shops, schools, sports fields, bus stops, community centres, hostels etc.
<b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	N/A
<b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	N/A
<b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	N/A

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	The closure will have an adverse affect on this objective and reduce access to other public areas and facilities.
<b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	N/A

### Financial Implications

#### Maintain walkway - (Option 1)

There will be a very minor financial impact due the installation of barriers at each end of the walkway and the planting of trees along the fence of No 15 Renee Close. These works are estimated at \$3,000 and can be funded from the general maintenance budget.

#### Close walkway - (Option 2)

If the walkway were to be fully closed there would be a need to fund the installation of “man proof” fencing across both access points of the walkway and into and along the reserve frontage to discourage persons using the concrete walkway. The cost of these works is estimated at up to \$60,000 and would need be funded through the deferment of project/s from Councils existing works program.

Closure of the walkway for the trial period will be done through the construction of a section of koppers log and wire fence across the access at Tristram and Renee Close with associated signage could be undertaken at a lower cost of approximately \$5,000.

Any proposal to permanently close the walkway and rehabilitate the area would come at considerable cost due to the need to excavate large amounts of hardstand area and accompanying landscaping. These works would similarly need be funded through deferment of project/s from existing programs.

### Principles of Sustainability

The installation of fencing would result in increased capital and maintenance expenditure.

### CONSULTATION

See attached report for 11 August 2010 Ordinary Meeting (with amendments).

**GOVERNANCE**

Nil Impact

**CORPORATE RISKS**

Nil Impact

**CONCLUSION**

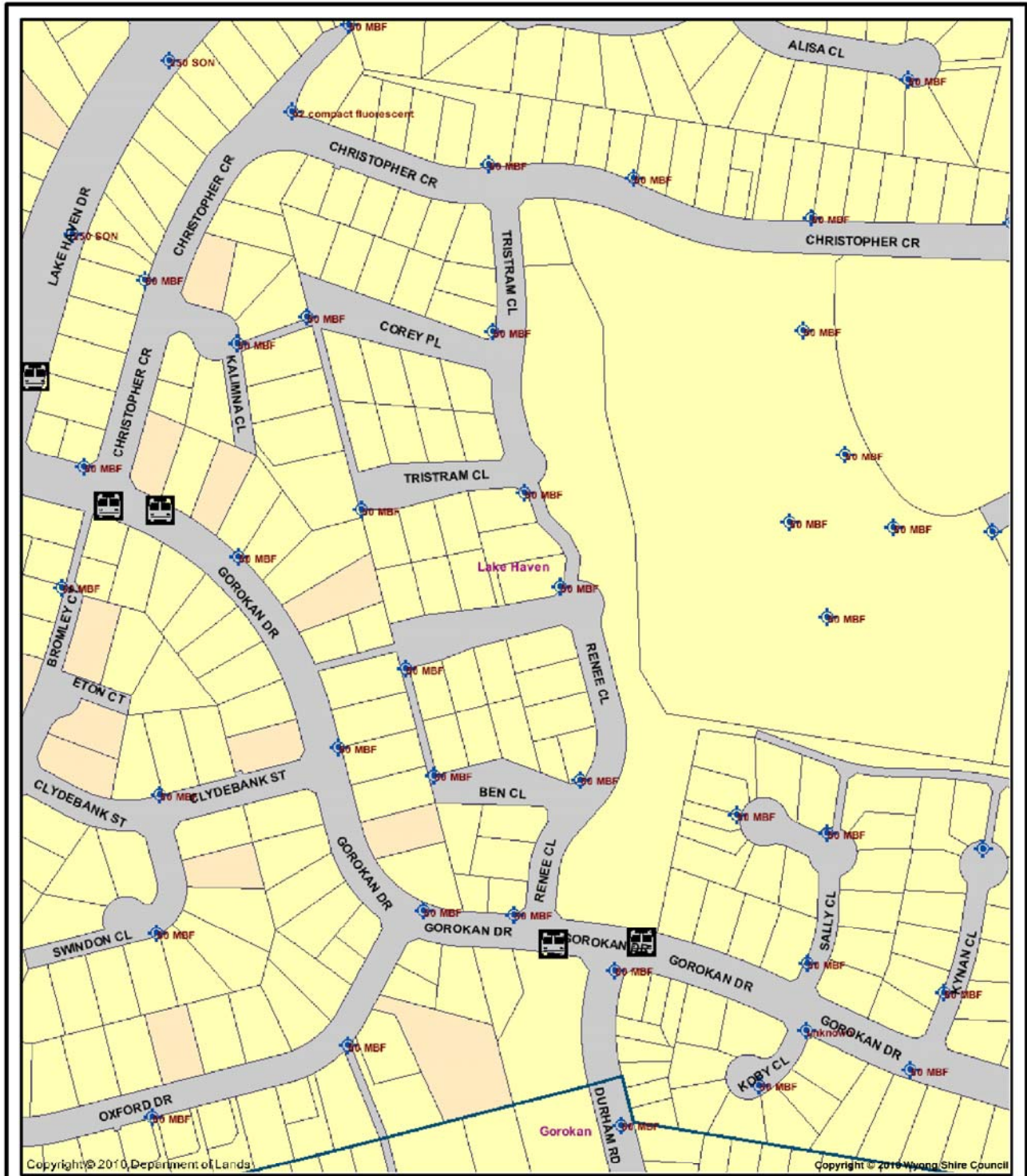
There are two suggested options for Council to consider.

Technical assessment results support the option to retain the walkway in its current open status based on the high pedestrian usage, resident feedback in favour of maintaining the current open status and that closure will limit but not prevent instances of anti-social behaviour in the vicinity due to the accessibility from the adjacent reserve, walkways and streets.

The recommended option is to implement a six month trial closure and review the success of the trial before a final decision is made.

**ATTACHMENTS**

- |          |   |           |           |
|----------|---|-----------|-----------|
| <b>1</b> | Report from 11 August 2010 Council Meeting - Request to Close Walkway between Tristram Close and Renee Close Lake Haven | Enclosure | D02301768 |
| <b>2</b> | Plan of Tristram & Renee CI infrastructure details  |           | D02304182 |
| <b>3</b> | Plan of Tristram & Renee CI showing reserve path details  |           | D02304184 |



pdfoster

21/07/2010

Wyong Shire Council ABN 47 054 613 735  
 DX 7305, PO Box 20, Wyong NSW Australia 2259  
 PH: (02) 4350 5555 Fax: (02) 4351 2098  
 Web: www.wyongsc.nsw.gov.au  
 Email: wsc@wyong.nsw.gov.au



### MAP EXTRACT

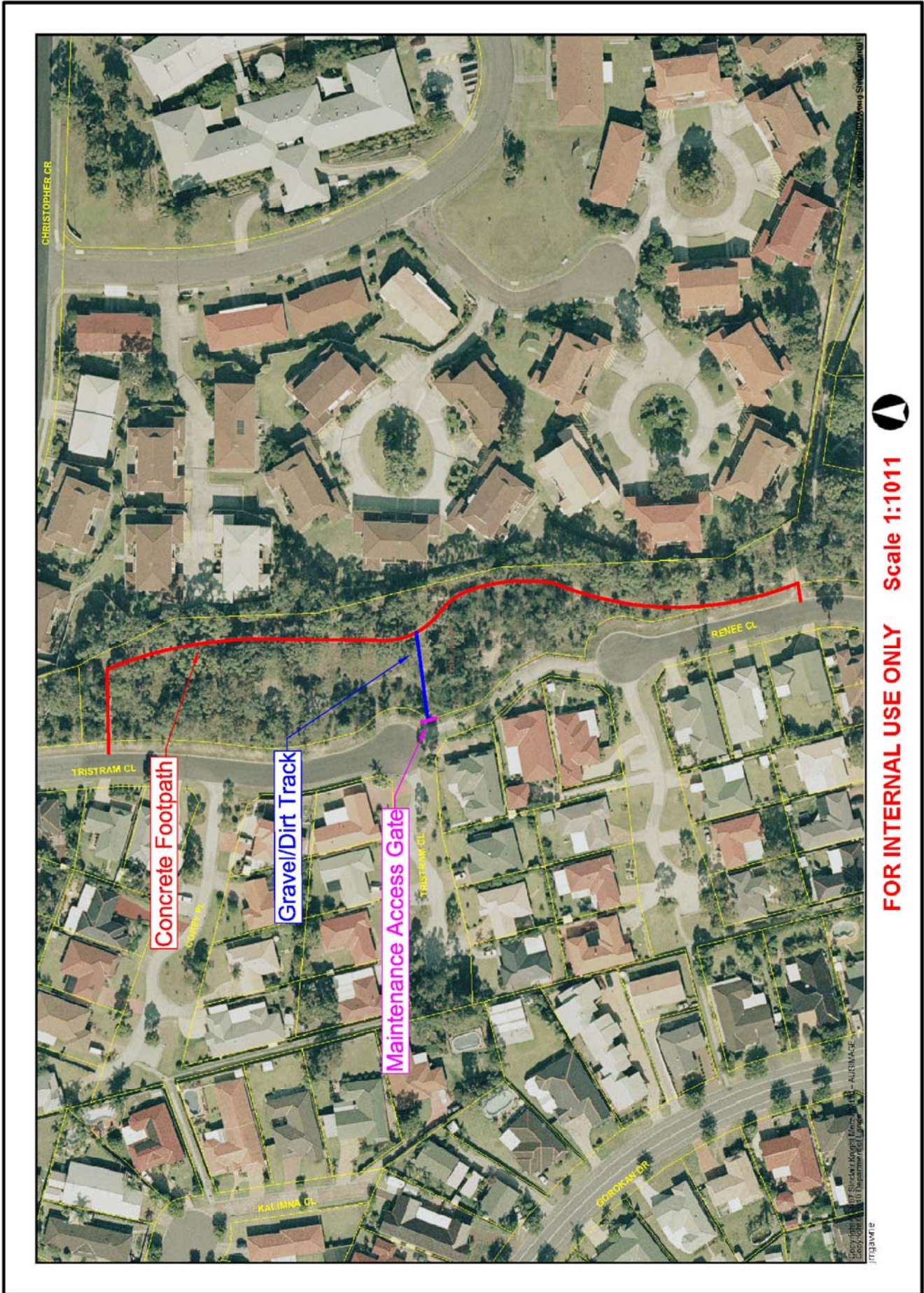
Scale 1:2500

Note: Data is not survey accurate.  
 Scale is representation only.

Base Cadastre is part of the Digital Cadastral Database supplied by Department of Lands, Bathurst. Any persons whose legal rights may be affected, or intends to act on any cadastral information shown on this plan should verify such information by consulting Department of Lands, Bathurst before so acting.

M. Whittaker  
 General Manager





## **6.1 Information Reports**

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TRIM REFERENCE: F2010/00009 - D02395298

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Jacquie Elvidge, Administration Assistant

### **SUMMARY**

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

### **RECOMMENDATION**

*That Council deal with the following Information Reports by the Exception Method.*

### **ATTACHMENTS**

*Nil.*



## **6.2 Outstanding Mine Subsidence Claims - Chain Valley Bay South**

---

TRIM REFERENCE: F2006/00246 - D02377585

MANAGER: Gina Vereker, Director, Shire Planning  
AUTHOR: Jayne Doyle, Senior Administration Support Officer

### **SUMMARY**

Reporting on a response from Mr Robert Coombs MP, Member for Swansea in relation to outstanding Mine Subsidence Claims from residents of Chain Valley Bay South

### **RECOMMENDATION**

***That Council receive the report on Outstanding Mine Subsidence Claims - Chain Valley Bay South.***

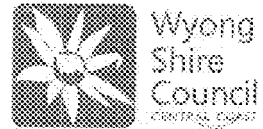
Council at it's meeting held on 11 August 2010, resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Symington:

- 1 *That Council receive the report on Outstanding Mine Subsidence Claims Chain Valley Bay South.*
- 2 *That Council express its disappointment to the State Government and write to the respective Minister, the Member for Swansea, Mr Robert Coombs, MP and the Minister for the Central Coast, the Honourable John Robertson, MLC to provide compensation to the affected land owners.*

Letters were forwarded in accordance with Resolution No 2 above. Correspondence has now been received from Mr Robert Coombs, MP, Member for Swansea dated 16 September 2010 which is attached.

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Letter to Mr Robert Coombs, MP, Member for Swansea  | D02395169 |
| 2 | Letter from Mr Robert Coombs MP, Member for Swansea | D02366542 |



PB:JD/Mr Paul Bowditch  
F2006/00246

6 September 2010

Mr Robert Coombs, MP  
Member for Swansea  
PO Box 306  
SWANSEA NSW 2000

Dear Mr Coombs

**Re: Outstanding Mine Subsidence Claims -- Chain Valley Bay South**

At its meeting held on 11 August 2010, Council considered a letter received from the then Minister for Mineral and Forest Resources, Mr Ian MacDonald concerning outstanding Mine Subsidence Claims from residents of Chain Valley Bay South. At that meeting, Council resolved as follows:-

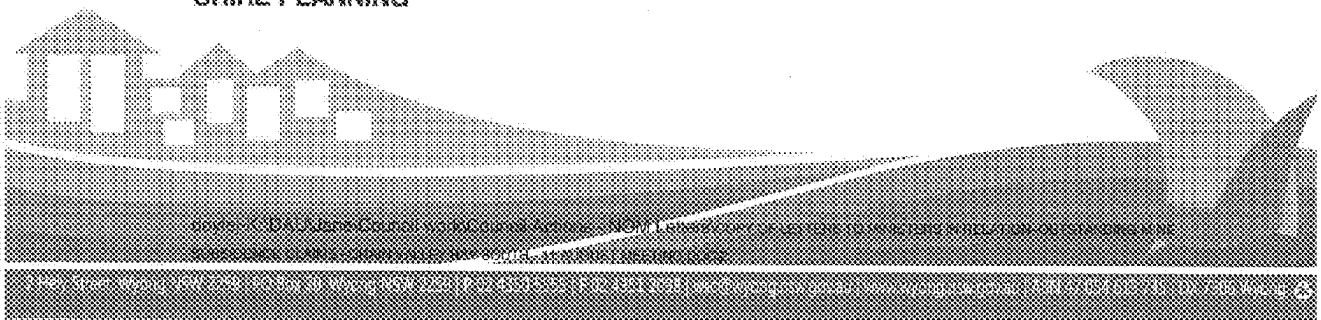
*RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:*

- 1 *That Council receive the report on Outstanding Mine Subsidence Claims Chain Valley Bay South.*
- 2 *That Council express its disappointment to the State Government and write to the respective Minister, the Member for Swansea, Mr Robert Coombs, MP and the Minister for the Central Coast, the Honourable John Robertson, MLC to provide compensation to the affected land owners.*

Despite Mr MacDonald's letter, Council remains concerned that this issue has not been satisfactorily resolved and that residents have not been appropriately compensated. Council therefore wishes to express its disappointment and requests that the issue be reconsidered.

Yours faithfully

Gina Vereker  
Director  
**SHIRE PLANNING**





16 September 2010

Ms Gina Vereker  
Director  
Shire Planning  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Ms Vereker

Thank you for your letter received 10 September 2010 concerning outstanding mine subsidence claims at Chain Balley Bay South.

I wish to acknowledge that this issue is a priority and that further consideration of this matter is being pursued. Your concerns have also been forwarded to the Hon Tony Kelly MLC, Minister for Planning.

In the meantime should you wish to discuss this matter further or any other State Government matters of concern please do not hesitate to contact the electorate office.

Yours faithfully

Robert Coombs MP  
**Member for Swansea**  
Vm:wsc.mine subsidence.16sep10

Have you thought about joining a volunteer community service organisation?  
There are many within the Swansea Electorate. For more information contact this office.

### 6.3 Wallarah 2 Coal Project

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TRIM REFERENCE: F2004/07086 - D02377739

MANAGER: Gina Vereker, Director, Shire Planning  
AUTHOR: Jayne Doyle, Senior Administration Support Officer

#### SUMMARY

Reporting on a response from Mr David Swain on behalf of the Director General, Premier and Cabinet in relation to the Wallarah 2 Coal Project and Mr David Harris MP, Member for Wyong, Parliamentary Secretary for the Central Coast.

#### RECOMMENDATION

***That Council receive the report on Wallarah 2 Coal Project.***

Council at its meeting held on 25 August 2010, resolved unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

- "1 That Council recognise the strong support of both our State and Federal Local Representatives in opposing this Nation's largest Longwall Coal Mine now proposed by the Korean Coal Company Kores.*
- 2 That Council, due to the profound impacts this mine represents intergenerationally and on every level, from health to the environment, respectfully call upon the State Government not to approve such a significant project in their final six months in office.*
- 3 That Council, due to the significance of this issue and that both State and Federal Government pride themselves on the value of genuine community consultation, request a coast-wide poll be conducted in conjunction with the upcoming March State Elections thereby providing a definitive voice on this critical issue."*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Correspondence has now been received from Mr David Swain for the Director General Premier and Cabinet dated 27 September 2010 and Mr David Harris MP, Member for Wyong, Parliamentary Secretary for the Central Coast which is attached.

#### ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | Letter to Minister for Central Coast - Wallarah 2 Coal Project dated 9 September 2010 | D02395314 |
| 2 | Letter from Mr David Swain for Director General, Premier and Cabinet                  | D02376020 |
| 3 | Response by David Harris MP - Kores Wallarah 2 coal mining proposal                   | D02391991 |



JLM/Gina Vereker  
F2004/07086

9 September 2010

The Hon John Robertson  
Minister for the Central Coast  
Governor Macquarie Tower  
Level 36, 1 Farrer Place  
SYDNEY NSW 2000

Dear Mr Robertson

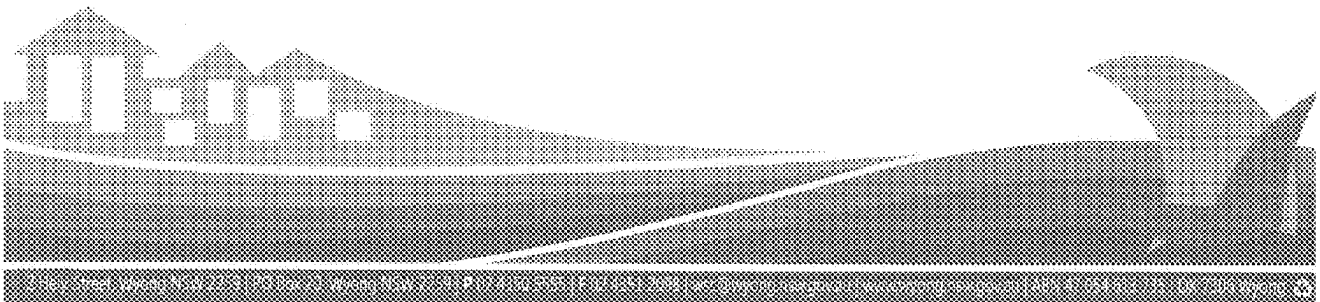
**WALLARAH 2 COAL PROJECT (MP07\_0160)**

As you are aware, a Part 3A Application is currently being considered by the Department of Planning (DoP) for an underground mine to extract coal from under the Dooralong and Yarramalong Valleys, known as the Wallarah 2 Coal Project.

Council has held a long maintained belief that any large scale extractive industry development within the Dooralong and Yarramalong Valleys will pose a significant risk to the security of the region's water supply. Additionally, Council's concern also relates to the potential intergenerational health and environmental impacts associated in particular with the Wallarah 2 Coal Project.

At its meeting of 25 August 2010, Council resolved unanimously:

- 1 That Council recognise the strong support of both our State and Federal Local Representatives in opposing this Nation's largest Longwall Coal Mine now proposed by the Korean Coal Company Kores.
- 2 That Council, due to the profound impacts this mine represents intergenerationally and on every level, from health to the environment, respectfully call upon the State Government not to approve such a significant project in their final six months in office.
- 3 That Council, due to the significance of this issue and that both State and Federal Government pride themselves on the value of genuine community consultation, request a coast-wide poll be conducted in conjunction with the upcoming March State Elections thereby providing a definitive voice on this critical issue.



**Page 2**

**Minister for the Central Coast**

Subsequently, I would formally like to extend Council's appreciation of the support that you as a representative for our area have given in opposing the Wallarah 2 Coal Project. Only in working together can we ensure that the delicate resources of our Shire and health of our community are protected both now and in the future.

In addition, Council would appreciate any assistance you can provide in bringing about the achievement of actions outlined in resolutions 2 and 3.

Yours faithfully

Gina Vereker  
**Director**  
**SHIRE PLANNING**



Premier  
& Cabinet

2010/43695 - CMU

27 September 2010

Ms Gina Vereker  
Director  
Shire Planning  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Ms Vereker

I write in response to your recent letter to the Premier concerning the Wallarah 2 Coal Project.

As the matter you have raised concerns the administration of the Minister for Planning, Minister for Infrastructure, and Minister for Lands, the Hon A B Kelly, MLC, your letter has been forwarded to the Minister for attention.

You may be sure that your letter will receive close consideration.

Yours sincerely

David Swain  
for **Director General**



**David Harris MP**

Member for Wyong

Parliamentary Secretary for the Central Coast

Reference: R00098/LB  
EA1606647

Ms Gina Vereker  
Director  
Shire Planning  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Ms Vereker

I refer to your letter to the Minister for the Central Coast concerning the Kores Wallarah2 coal mining proposal. The Minister has asked me to respond to you on his behalf.

I understand and accept the mining proposal is of concern to many residents of the Central Coast. I have had many meetings with residents as well as the Australian Coal Alliance to discuss this project.

As Council would understand in the interest of fairness to the proponent as well as the local residents it is important that correct procedures are followed in the assessment process for this and any other project submitted for consideration by Government.

The process to assess applications of this nature is very comprehensive and considers the views of local residents and potential impacts on the community.

There has however, been additional assessment undertaken of this proposal in view of the issues raised within the community, including;

- An independent review of the adequacy of the baseline surface and groundwater data in the sub-catchments affected by the proposal has been undertaken.
- This review is currently being peer reviewed by an international expert.
- The Planning Assessment Commission will review the Environmental Assessment of the Project...taking into consideration any issues raised in submissions...the findings of the strategic review into the Impacts of Potential Underground Coal Mining in the Wyong LGA... the Wyong Water Study and the international peer review.
- Three experts have been appointed as casual members of the Planning Assessment Commission to assist with the review. These casual members are:
  - Emeritus Professor Jim Galvin – subsidence expert
  - Dr Steve Perrens – surface water expert
  - Dr Lloyd Townley – groundwater expert

---

Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 ■ GPO Box 5341, SYDNEY NSW 2001  
Tel: (02) 9228 5555 ■ F: (02) 9228 5249 ■ [www.dpc.nsw.gov.au](http://www.dpc.nsw.gov.au)





**David Harris MP**

Member for Wyong

Parliamentary Secretary for the Central Coast

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- The Planning Assessment Commission will hold public hearings during its assessment.
- The Commission will assess the potential subsidence-related impacts of the project, including any possible effects to the Central Coast's drinking water supply.
- The Commission will recommend appropriate measures to avoid, minimise or offset these impacts, and provide advice on the merits of the project as a whole.

I would encourage Council to attend these forums to raise your concerns.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. HARRIS".

**David Harris MP**

Member for Wyong

Parliamentary Secretary for the Central Coast

## 6.4 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02375848

MANAGER: Gina Vereker, Director, Shire Planning  
AUTHOR: Jayne Doyle, Senior Administration Support Officer

### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of September 2010.

### RECOMMENDATION

*That Council receive the report on Activities of the Development Assessment Unit.*

#### Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	15	20,916,614	10	1,179,000
Industrial	4	685,500	2	521,290
Residential	116	13,682,136	122	15,455,978
Other	17	257,000	19	86,500
<b>Total</b>	<b>152</b>	<b>35,541,250</b>	<b>153</b>	<b>17,242,768</b>

**Note:** Included in the number of development applications lodged in the "Commercial" category was Council's Central Coast Arts and Conference Centre located at Wyong valued at \$18.5m.

#### Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	5	17	5	8
Rural	-	-	-	-
<b>Total</b>	<b>5</b>	<b>17</b>	<b>5</b>	<b>8</b>

### Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **16** days. There were no priority applications determined during the month.

### Other Approvals and Certificates

Type:	Number Determined:
Trees	28
Building Certificates	17
Construction Certificates	75
Complying Development Certificates	27

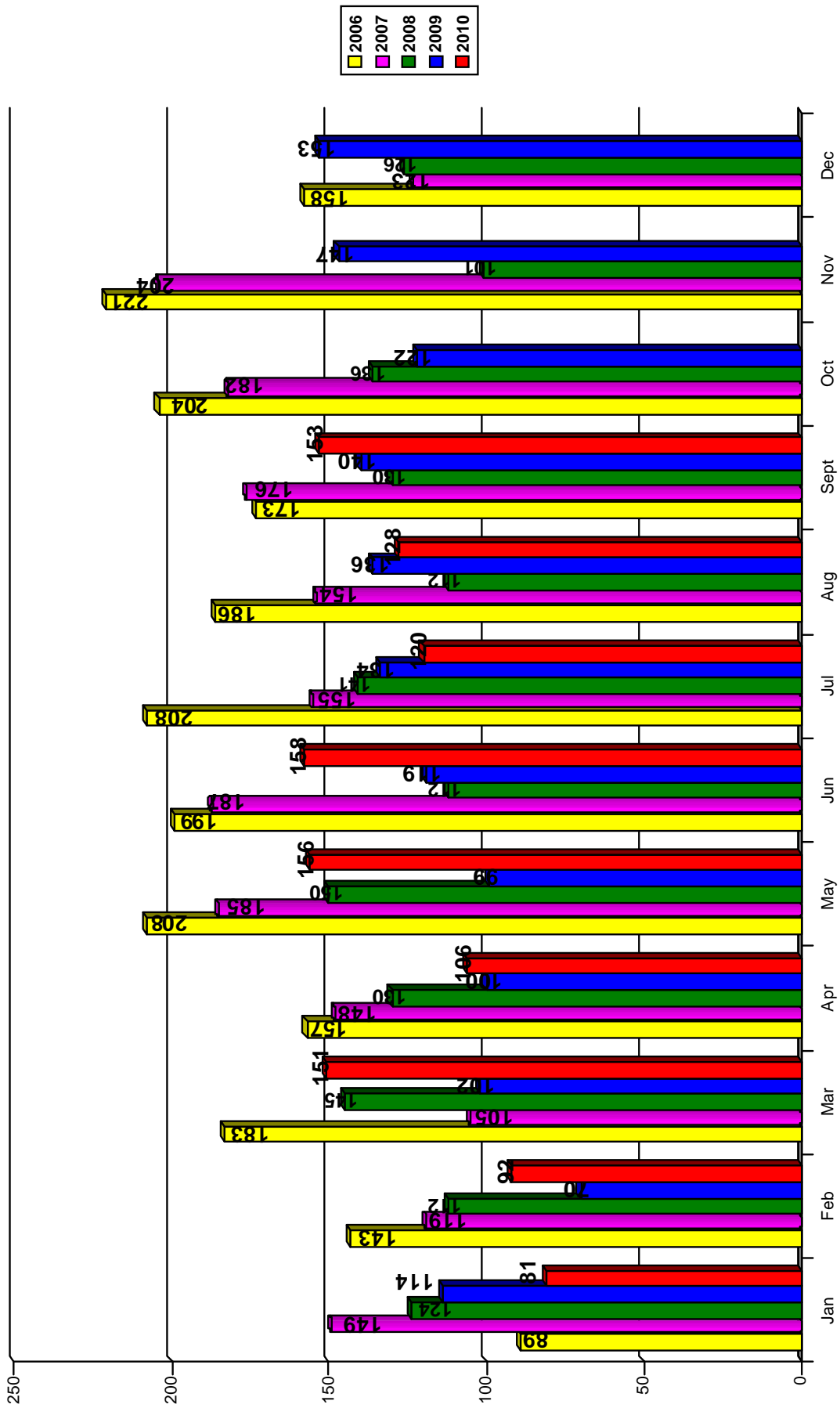
### State Environmental Planning Policy No 1

There were no applications that relied on SEPP 1 variations for the month.

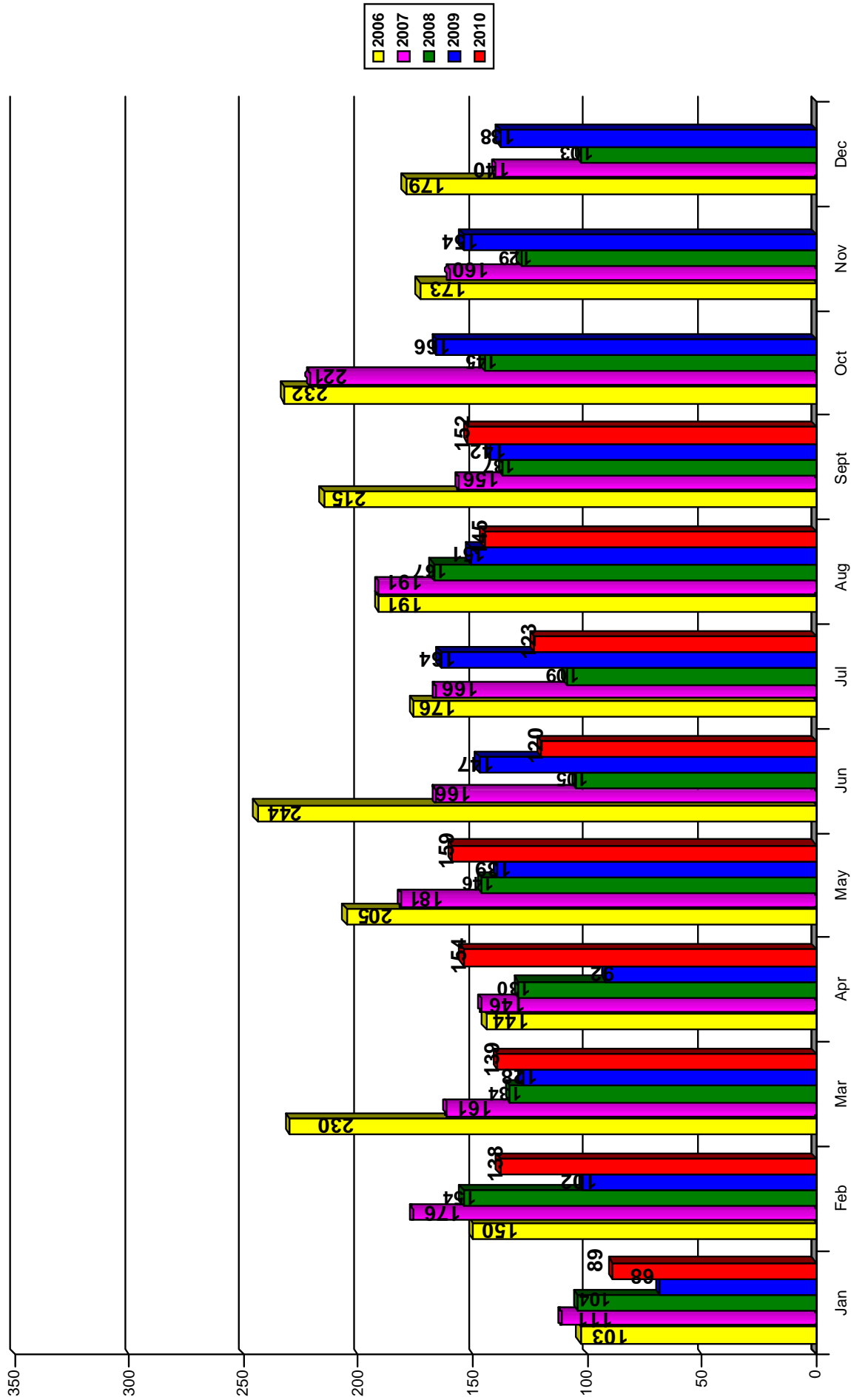
### ATTACHMENTS

- 1 Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined. D02387558

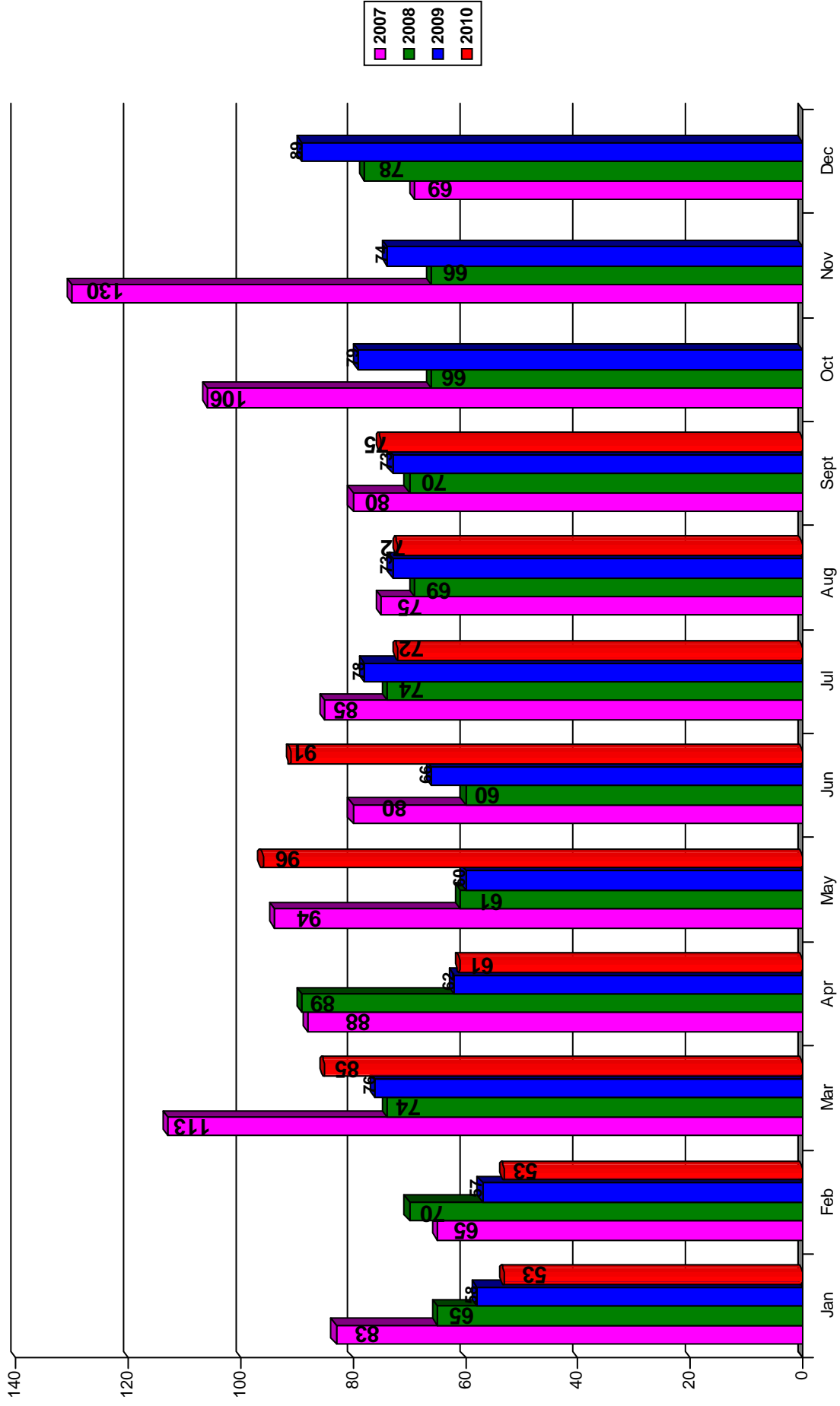
**DAs DETERMINED**



**DAS LODGED**



**CCs DETERMINED**



## **6.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

---

TRIM REFERENCE: F2004/06822 - D02390148

MANAGER: Martin Johnson, Manager, Natural Resources  
AUTHOR: Jon Scorgie, Senior Environmental Health Officer

### **SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of September 2010.

### **RECOMMENDATION**

***That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.***

#### **Primary Recreation Water Quality Monitoring Program**

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (*NHMRC Guidelines for Managing Risks in Recreational Water (2008)*). These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Department of Environment, Climate Change and Water (DECCW) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

Council at its meeting held on 9 June 2010 resolved as follows:

*"RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:*

- 1 *That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee being:*
  - a *That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.*
  - b *That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes in water quality and the results of such testing be submitted to the Estuary Management Unit.*

## 6.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

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FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS BEST AND EATON"

As a result of the above resolution 22 monitoring locations are now sampled once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and 5 lake swimming sites in the Tuggerah Lakes catchment.

Beachwatch have updated their program to bring it in line with NHMRC (2008), which are based on the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments*, 2003. The new guidelines, NHMRC (2008), have lead to a change in acceptable faecal indicator levels and how they are reported as part of the Beachwatch partnership program.

The acceptable level for the faecal indicator *enterococci* has now been elevated to 200cfu/100mL, compared with 33cfu/100mL (Nb: cfu= colony forming units). This change is based on studies conducted by the WHO and relates to a health based risk of contracting an illness due to swimming in potentially contaminated waters.

Another change that has been brought in by Beachwatch is that Star Ratings are now reported weekly, based on one result. This is a big difference to NHMRC (1991), as that guideline recommended that the star rating be based on five previous results with a star rating being given for the month. This now means that each site can be rated weekly with the results being placed on the Beachwatch website.

During the winter season the Beachwatch program becomes inactive, sampling is conducted once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), DECCW's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period in NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.



**Summary of results for September 2010 (Winter Program)**

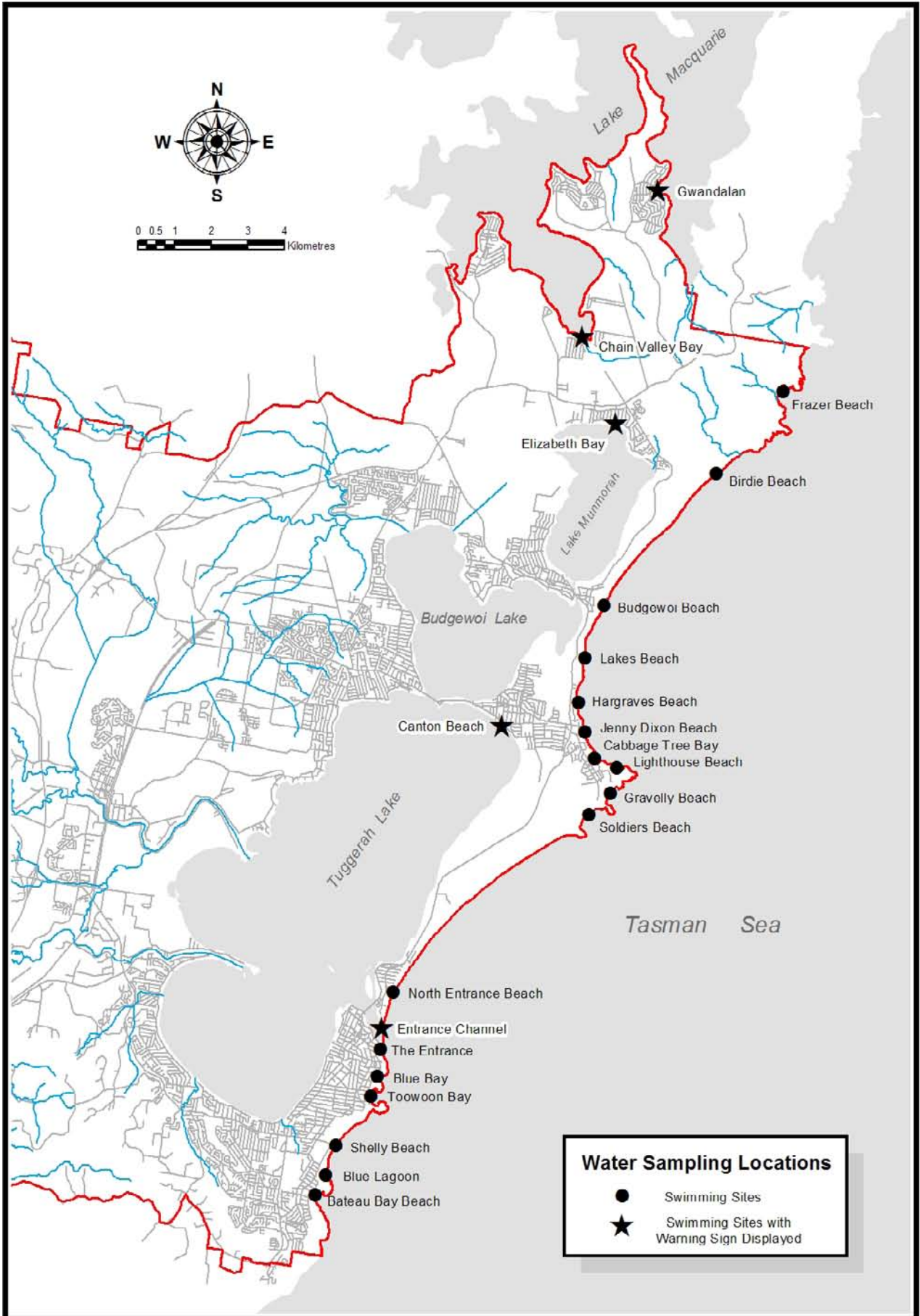
For the month of September a total of 64 samples were taken from across the 22 sites, during this period all sites recorded a star rating of 3 or 4. This indicates that the sites were suitable for swimming during the month of September, see Table 1 below.

**Table 1: NHMRC Star Rating Interpretation**

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

**ATTACHMENTS**

- 1 Water Sampling Locations D02345961



## **6.6 Consent to Subcontract Processing of Recyclables - Thiess Services**

---

TRIM REFERENCE: CPA/101669-02 - D02402440

MANAGER: Mike Long, Manager Contracts and Special Projects  
AUTHOR: Elfi Blackburn, Coordinator Waste Management

### **SUMMARY**

Council's waste collection and recycling contractor, Thiess Services Pty Ltd (Thiess), sought and was granted consent to subcontract the processing and disposal of recyclables to PAR Recycling Services Pty Ltd (PAR).

### **RECOMMENDATION**

***That Council receive the report on the granting of consent to Thiess Services Pty Ltd to subcontract the processing and disposal of recyclables to PAR Recycling Services Pty Ltd.***

### **Background**

Council entered into a contract with Thiess (CPA/101669 Collection and disposal of waste and recoverable materials) to provide waste collection and recycling services for a term of 10 years commencing in 2008. Gosford City Council entered into a similar contract with Thiess. In accordance with those two contracts, Thiess established a truck depot, workshop, office, education room and Material Recovery Facility (MRF) at Somersby. The land and buildings at the Somersby site are owned by Hunter Land Investments and Thiess entered into a long term lease with Hunter Land to operate the facilities.

Under Contract CPA/101669 (the Contract), Thiess is required to provide bins, service waste, recycling and vegetation bins, collect bulk kerbside material, install and service litter bins and remove dumped waste. In addition, Thiess is required to process and dispose of recyclables.

### **Request for consent to subcontract**

In July 2010, Thiess sought consent under the Contract to sub-contract the processing and disposal of recyclables to PAR. This sub-contracting arrangement involves the sale of the MRF equipment to PAR who will then operate the MRF and process the recyclables and dispatch them to national and international markets. Thiess, however, will remain fully liable under the Contract for the subcontracted work undertaken by PAR and under the Operating Agreement between Thiess and PAR have secured step-in-rights in the event of performance or other breaches under this agreement.

Thiess submitted the following documents to provide confidence to Council that the subcontracting arrangement would not result in increased levels of risk:

- Operating Agreement executed by Thiess and PAR securing step-in-rights for Thiess
- Licence Agreement for PAR to operate the MRF

## **6.6 Consent to Subcontract Processing of Recyclables - Thiess Services (contd)**

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- Letter from PAR's financier advising that Thiess will be notified in the event of financial default and provided with the opportunity for Thiess to intervene
- Statement from Thiess that the subcontracting arrangement with PAR does not relieve Thiess from any liability under the Contract and that Thiess will be responsible for the acts or omissions of PAR
- Letter from PAR advising that it has no rights under the Contract against Council, agreeing to honour all of the obligations under the Contract regarding the maintenance of the MRF and that it will not transfer or assign the MRF equipment without Council's consent.

### **Legal advice**

Clause 6.1.1 of the Contract stipulates that the Contractor shall supply and maintain all buildings, plant, motor vehicles and equipments and they must be owned or leased by the Contractor or a subsidiary of the Contractor. Council's legal advisors, HWL, identified that the proposed sale of the MRF equipment would infringe Clause 6.1.1 of the Contract as it in effect disposes of the means necessary for Thiess to process and dispose of recyclables and also PAR is not a subsidiary of Thiess. In order to avoid, triggering the default clause under the Contract, HWL advised to waive the breach of this clause relating to the subcontracting arrangement.

On the basis of the information provided by Thiess, HWL are of the opinion that there will be no unacceptable risk for Council in agreeing to grant consent to the proposed subcontract and to waive the breach of General Condition 6.1.1 as it relates to the sale of MRF assets.

### **Conclusion**

Accordingly, on 12 October 2010 consent was granted to Thiess pursuant to Clause 6.12.1 of the Contract to sub-contract the processing and disposal of recyclables to PAR and any breach of Clause 6.1.1 of the Contract relating to the sale of plant and equipment within the MRF to PAR was waived subject to the following conditions:

- 1 Thiess must enter into and continue for the life of the Contract to be bound by the Operating Agreement with the Subcontractor
- 2 Thiess must enter into and continue for the life of the Contract to be bound by the Licence Agreement with the Subcontractor
- 3 Copies of the executed Operating and Licence Agreements must be provided to the Council forthwith upon signing;
- 4 Gosford City Council must consent to the subcontracting and agree to a waiver in terms similar to those contained in this letter;
- 5 Thiess must pay all of Council's reasonable legal costs of and incidental to the granting of consent to subcontract and waiver of breach of the Contract.

Gosford City Council also granted consent and waiver of Clause 6.1.1.

### **ATTACHMENTS**

*Nil.*

## 6.7 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02371366

AUTHORS: Serge Kornev, Construction Manager; Margaret Collins, PA to Manager Contracts and Special Projects

### SUMMARY

This report shows the current status of significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of September 2010. General Water and Sewerage services are not included.

### RECOMMENDATION

*That Council receive the report on General Works in Progress.*

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

The table below is a status report of current major roads and drainage projects.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Perouse Avenue, San Remo Proposed Drainage Improvements - Stage 2	\$975K	05/05/2010	108	100	Sept 2010	This project was initiated to resolve flooding and erosion problems. These works form Stage 2 of the previous drainage upgrading works in Perouse Ave. Works involve construction of an upgraded stormwater drainage system in Perouse Ave, Richardson Rd and Eyre Cr, road reconstruction and kerb and gutter. Drainage and roadworks completed. Line marking/signs outstanding. 8% over-expenditure is due to rock encountered while excavating for drainage lines.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Toowoan Bay Rd and Nirvana St Long Jetty Drainage	\$1.6M	23/03/10	87	90	Oct 2010	Major stormwater drainage system upgrade to alleviate localised flooding, road reconstruction and a mini roundabout at the intersection of Toowoan Bay Rd and Nirvana St. Pavement and Drainage works continue along Toowoan Bay Road. Drainage works completed, roadworks continue. Bitumen seal, asphalt and raised intersection outstanding.
Quinalup St - Stage 1B, Gwandalan	\$517k	10/08/10	80	80	Sept 2010	Stage 1B of the Quinalup St stormwater drainage improvements project to address Category 1 and 2 flooding, flooding complaints and upgrade the local area drainage system. Project consist of a piped drainage system, upgrade to kerb and gutter, upgrade existing drainage system and to provide adequate overland flow paths. Drainage complete. Driveways and minor pavement reinstatement outstanding.
Watson Avenue, Tumbi Umbi	\$28K	13/09/10	82	100	Sept 2010	Minor road shoulder maintenance between houses #23 and #27 – western side of road. Reconstruction of road shoulder pavement failures and ensuring stormwater flows enter the existing drainage pit. All works have been completed.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Yuruga Ave, San Remo	\$76K	16/08/10	85	100	Sept 2010	Stormwater Drainage Improvements of drainage reserve between Weonga PI and Yuruga Ave, San Remo to improve access for ongoing maintenance and to prevent stormwater flows from entering private property.  Upgrade existing drainage channel to a pipe, fill in existing channel and provide a swale to catch surface flows. Completed.

### General Maintenance Work

The following is a list of general works undertaken during this period:

	North	South
<b>Drainage Maintenance</b>	Wyong Creek Budgewoi	Killarney Vale Long Jetty Berkeley Vale Bateau Bay Tumbi Umbi
<b>Replacement of Damaged Foot paving</b>	Blue Haven Kanwal	Mardi Berkeley Vale
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	Nil	Long Jetty Bateau Bay

	North	South
<b>Heavy Patching</b>	Yarramalong	Killarney Vale Tumbi Umbi
<b>Table Drain Maintenance</b>	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale Tuggerah
<b>Carpark Maintenance</b>	Nil	Nil
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty Tumbi Umbi

## CONTRACTS AND SPECIAL PROJECTS SECTION

The table below is a status report of current major projects.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
Mardi Suite of Works	\$ 59M	Apr 2006	90	90	Dec 2010	Project is in the commissioning phase
CPA/127662 Construction of Mardi Transfer System and High Lift Pump Station - includes ancillary dam works and high voltage ring main.	\$45.665M	Jun 2009	98	95	Nov 2010	
CPA/142295 Construction of High Voltage Power Supply to Mardi	\$4.026M	Jan 2009	99	99	Sep 2010	



Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	Dec 2006	95	95	Fields available for use towards end 2010	Construction works proceeding under Council's direct management. Turf completed to all fields and should be established for use towards end of 2010. Construction of softball fencing has commenced.
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$720K	Jan 2008	80	80	Nov 2010	Contract awarded to Bonacci Group Pty Ltd. Design finalisation expected in November 2010. Estimated project construction cost \$9M, with this consultancy costing \$720K.
CPA/130591 Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone	\$370K	Apr 2008	90	96	Nov 2010	Contract awarded to SMEC Australia Pty Ltd. Completion of design and tender documentation expected by end of November 2010. Project construction cost \$3M, with this consultancy costing approximately \$370K.
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour Norah Head	\$418K	Aug 2007	85	85	June 2011 for this consultancy	Contract awarded to Shirley Consulting Engineers (SCE). This consultancy \$418K including all variations to date. Approval to proceed with reduced cost option resolved by Council at 14 April 2010 meeting. Construction to be performed using Council day labour. SCE finalised concept design and preparing detail design drawings. Initial site drainage works expected prior to Christmas and construction of structure between Feb and June 2011.

## 6.7

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study  1) South Section 2) North Section, including deep water zone	\$370K	1) Feb 2008  2) Mar 2010	95  90	100  90	May 2010  Nov 2010	1) Contract awarded to Storm Consulting Pty Ltd for design of constructed wetland. Design complete. Approvals obtained. 2) The planned Stage 2, deep water zone works will not proceed due to funding shortfall. Delays in receiving Part 5 approval and time restraints due to federal funding guidelines required the job to be accelerated, incurring additional costs. The Sustainability Unit was unable to secure additional grant funding for this stage. Roads and Drainage to tidy-up the site.
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	75	75	Jan 2011 (RAP & concept design)	Preliminary site investigation and detailed site investigation completed. Contract for remedial action plan (RAP) & concept design awarded in September (cost \$90K). Anticipated completion January 2011
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	70	70	March 2011 (RAP & concept design)	Preliminary site investigation completed. Further site investigation undertaken following detailed investigation on recommendation from EPA Site Auditor. Additional work completed and final report received. Additional investigations have delayed progress on tenders for remedial action plan (RAP). Anticipated completion of RAP March 2011.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/136486 Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	\$164K	Apr 2008	99	99	Nov 2010	Contract awarded to Maunsell Australia Pty Ltd. This consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.
CPA/137501 Streambank Rehabilitation Wyong River Reaches 36, 61, 81 & 104	\$730K	Mar 2010	50	100	Aug 2010	Bush regeneration works completed. Now in maintenance period. A reduced scope of work and utilisation of in house construction enabled significant cost savings.
CPA/138216 Streambank Rehabilitation Ourimbah Creek Reaches 41 & 45	\$800K	Feb 2010	60	100	Aug 2010	Bush regeneration works completed. Now in maintenance period. Works will be completed within allocated budget.
CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	70	70	May 2011 (RAP & concept design)	Preliminary and detailed site investigation completed. Tenders for Remedial Action Plan (RAP) will follow. Anticipated completion of RAP in May 2011.
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$122K	Mar 2008	83	85	Oct 2010	Contract awarded to Cardno (NSW) Pty Ltd. Preparation of design and tender documentation has been slow but is nearing completion. Predicted construction cost is \$2.43M.

**6.7 General Works in Progress (contd)**

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section).  Construction of Buff Point Shared Pathway  (includes Kemp Close section which has attracted a Federal grant)	Entire Est cost = \$1.3Mill  \$775K from EMP \$250K from Fed grant \$25K Greenspace grant	Nov 2007	100	100	Sep 2010 (current funds)	Construction complete from Edgewater Park to opposite Nacooma Road – approx. 1.9km of total 3km of pathway. Estimated overall cost of construction for all Buff Point pathways is \$1.3M. Construction for next (100m) portion opp. Nacooma Rd complete, with minor landscape planting to follow. Will require additional allocation of approx \$250K to complete and finalise the entire project
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	Oct 2008	98	98	Nov 2010	Contract awarded to Cardno (QLD) Pty Ltd. Construction tender documentation and drawings being finalised. Estimated project cost \$11M, with this consultancy costing \$190K.
CPA/147230 - Consultancy for Investigation and Design of T8 Sewer Pump Station upgrade – Norah Head	\$139K	Jun 2008	71	80	Nov 2010	Contract awarded to Cardno (NSW) Pty Ltd. Preparation of design and tender documentation has been slow but is nearing completion. Delays due to coastal hazard investigations requiring relocation of pump station. Consultant concentrating on completing CPA/144772, then finishing this contract. Project construction cost \$1.32M.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	\$148K	Jan 2009	100	100	Aug 2010	Complete.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	Oct 2009	80	80	Nov 2010	Contract awarded to Process Engineering Technologies Pty Ltd. Construction commenced February 2010.
CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven	\$190K	Dec 2008	71	85	Oct 2010	Contract awarded to SMEC Australia Pty Ltd. Consultant recently submitted final draft design and tender documentation, however these documents have been returned for further information and editing by the Consultant. Predicted Project construction cost \$1.32M.
CPA/157337 – Pre-Construction Documentation and Construction of 150mm diameter Water main Upgrade along Pollock Avenue	\$366K	Apr 2010	5	10	Feb 2011	Documentation preparation in hand to seek approvals and for construction tenders to be called.
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	75	75	May 2013	Hunter Land Management has achieved the first funding milestone for works completed at 31 March 2010. Bush regeneration works continue.
CPA/159848 Reservoir Lining – Tuggerah 1 and Ridgeway	\$350K	Oct 2010	11	20	Nov 2010	Pre-construction documentation fully received. Reservoirs being prepared for handover to Contractor.

## 6.7

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
PA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$122K	Mar 2009	65	68	Jan 2010	Contract let to Trehay Ingold Neate Pty Ltd. Consultancy value has increased due to additional works being added to the contract as a result of changes in land zoning which impacts the proposed subdivision. Ongoing works include revised S96 application to review lot layout, preparation of tender documents, construction drawings and specifications.
5PA/160794 Construction of the Northern Section of the Link Road	Construction cost \$9.5M	Mar 2009	85	90	Nov 2010	Traffic switched to northern side of Sparks Road while reconstruction work is carried out. Traffic signal work in progress at intersections at Sparks Road and Albert Warner Drive. Contract admin and management by Public Works escalated to bring evaluation of contract variations up to date. Project scope has been cut back including some foot paths and a noise wall designed for future traffic load to compensate for large costs incurred due to bad ground conditions and the cost of relocating public utilities.
CPA/164637 (complete) CPA/185467 Detail Investigation and Remedial Action Plan (RAP) of the Toukley Landfill (Sewage Treatment Plant and Transfer site)	\$250K (two contracts)	Dec 2009  Aug 2010	100  5	100  5	Complete (Preliminary works)  Jan 2011 (Detailed site investigation)	The report on the preliminary investigations has been completed. Tenders for the detailed site investigation works and RAP to close on 30/09/2010. The Tender Evaluation Report to be completed by end of Oct.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/164957 Saltmarsh Rehabilitation – Consultancy for the preparation of a detailed rehab plan, REF and mosquito management plan for 10 sites	\$80K	Aug 2009	95	95	Oct 2010	Work on LM7 and LM8 almost complete. Awaiting funding for LM19 and LM20. (LM is an acronym for Lake Munmorah)
CPA/170570 – Toowoomb Bay Holiday Park Resort Pool	\$521K	April 2010	68	95	Oct 2010	Pool finishing works now underway. Pool pump shed construction now well advanced.
CPA/171026 Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields	\$287K	Feb 2010	10	40	Nov 2010	Contract was awarded to Green Horticultural Group Pty Ltd. Commencement of field works has been deferred to coincide with the end of the winter sports season 2010. Works have recommenced Sep 2010
CPA/171824 Land Clearing of Council Subdivision Land at Warnervale	\$131K	July 2010	65	95	Oct 2010	Contract awarded to Newcastle Earthmoving. Clearing vegetation has commenced and is continuing. Works delayed due to wet weather. Original contract sum has increased due to asbestos discovery at the site and additional work to install a pipe crossing. Clearing works anticipated completion date mid Oct 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$8.3M	Apr 2010	6	8	Jun 2011	Works have been significantly affected by delays due to recent wet weather and resulting saturated site soils. Break in weather has enabled site earthworks to be recommenced on site on 30 August. Excavation and main embankment 75% complete.

## 6.7

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/173205 Sewer main rehabilitation, various locations in Wyong Shire	\$920K	Sep 2010	5	0	Mar 2011	Works have been awarded to Interflow Pty Ltd. Site works started on 20 September 2010.
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	5	5	Apr 2011 (Detailed design)	Expressions of Interest (EOI) for design (CPA/173286) have closed. A panel of consultants for detailed design was selected from the EOI. Tenders for design (CPA/181554) are being prepared for invitation. Expected to report to Council in January 2011 for determination. Detailed design will follow.
CPA/177219 Amenities Block at Tenth Avenue, Budgewoi	\$100K	Dec 2009	90	100	Sep 2010	Work by Landmark completed. Building Services work complete and landscape work by OS&R complete.
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	35	75	Oct 2010	Issues with the upgrade of the Building Management System required as Siemens unable to provide components to match existing system. Variation for new BMS being negotiated.
CPA/184446 – Shelly Beach SLSC Construction	\$5M	Oct 2010	0	0	Sep 2011	Contract was awarded on 27 September 2010.
CPA/184454 – Soldiers Beach SLSC Construction			0	0	Sep 2011	
CPA/185299 Ourimbah Soccer Fields Regrade (first phase works)	\$50K	July 2010	100	100	Sep 2010	DA approved. Work commenced 30 August using in-house resources and regrading complete 1 Oct.



Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/186620 - Construct and Install a Solar Tower at Scaddens Ridge	\$210K	Aug 2010	2	2	Jun 2011	Finalising the RFT documentation in preparation to going out to Public Tender in Oct 2010.
F2008/01053 Saltmarsh Rehabilitation – construction of LM7 & LM8 in Lake Munmorah	\$380K	May 2010	75	95	Oct 2010	Work almost complete. Final landscaping work expected to be completed early Oct 2010.
F2008/01807 Wallarah Pt Shared Pathway (Toukley bridge)	\$50K	May 2010	2	10	Nov 2010	Lvl 2 Assessment including REF lodged on 27 August. Under assessment. Survey complete.
F2008/02335 Colongra Bay Shared Pathway	\$200K	Nov 2009	3	30	Initial target Jun 2010 Revised Target Nov 2010	REF submitted in July with construction to commence once approvals obtained, subject to funds being confirmed.
F2009/02299 Investigations for Osborne Pk shared pathway, Toukley.	\$50K (investigations only)	Nov 2009	30	90	Nov 2010	Surveys complete. Environmental assessment complete and REF submitted in July. Awaiting approval.
F2009/02359 Extension of shared pathway at Killarney Vale (Moorlan Ave to Armstrong Ave) RTA	\$200K	August 2010	0	0	Nov 2010	Bridge design complete. Selective tenders called for bridge works. Tenders close 15 October 2010. Connecting pathway to be constructed using in-house resources.
Design, Documentation and Investigative works for Streambank Rehabilitation of Ourimbah Creek and Wyong River	\$240K	Oct 2009	100	100	Aug 2010	Designs and REF's completed and Part 5 approvals achieved for Ourimbah Creek and Wyong River Streambank Rehabilitation Projects.
Design, Documentation and Investigative works for Stormwater Treatment and Streambank Rehabilitation Projects (2009)- various	\$345K	Dec 2009	100	100	Sep 2010	First funding milestone for works completed at 31 March 2010 achieved. Part 5 approvals achieved for four of five projects, one remains outstanding.

## 6.7

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
Design, Documentation and Investigative works for Stormwater Treatment Projects (2007) - various	\$100K	Dec 2009	95	95	Sep 2010	Part 5 Applications have been lodged with Council.
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	May 2010	N/A	90	Oct 2010	Project is privately funded by the contractor/operator. Installation of wells has commenced and the underground connection to the grid is completed. The power plant module has been delivered and it is anticipated the power plant will be operational by end of October 2010. The Deed of Agreement provides for Royalty payments to Council of 15% from the sale of electricity generated.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	87
CPA/137264 to CPA/144340	Design, Documentation and Construction work for Stormwater Treatment Works in Saltwater Creek	Practical Completion Construction Contracts: Reach 11 – 24 August 2009 Reach 10 – 30 June 2009 Reach 9 – 22 April 2009 Reach 4 – 31 July 2009 Reach 1 – 24 August 2009 Construction contract continues for Reach 2.	95
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor	100
CPA/152870	Buttonderry Waste Management Facility Entry Upgrade Works	Practical Completion - Three Portions of the Contract: Portion 1 – 17 September 2009 Portion 2 – 31 October 2009 Portion 3 – 12 November 2009	Portion 1–90 Portion 2-85 Portion 3- 75

## 6.7

## General Works in Progress (contd)

CPA/153765 to CPA/153784	Year 3 Upgrade Works to all Holiday Parks	Practical Completion for all contracts was approx 30 September 2009.	92
CPA/157278	Replacement of 600 metre length of 250mm water main – McDonagh Rd	Practical completion 22 January 2010	60
CPA/159880	Construction of Mannering Park Sewage Treatment Plant Inlet Works	Practical Completion 17 June 2010	20
CPA / 158359	Ourimbah RFS Building Construction	Practical Completion 21 May 2010	25%
CPA/153228	Construction of Woongarah Sports Facility	Practical Completion 4 June 2010	25%
CPA/160330	Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	Practical Completion 1 October 2010	5%
CPA/160331	Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	Practical Completion 30 August 2010	10%
CPA/164633	Excavation & lining of Cell 4.2B Buttonderry Waste Management Facility	Practical Completion 28 August 2010	10%

## ATTACHMENTS

*Nil.*

## 6.8 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02369801

MANAGER: Ian Clarke, Manager, Water and Waste Services  
AUTHOR: Vanessa Trzcinka, Technical Operations Engineer

### SUMMARY

Water supply and sewerage works in progress and completed for October 2010.

### RECOMMENDATION

*That Council receive the report on Works in Progress - Water Supply and Sewerage.*

### WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Canton Beach Ourimbah Shelly Beach The Entrance Toukley	150,000	Sept 2010	33	33	Jun 2011	<p>Ongoing fittings, hydrant and stop valve replacements are underway to improve water supply system operations.</p> <p>Council implements a maintenance program to minimise operational issues such as dirty water complaints.</p> <p>This work is funded by the Water and Sewerage Capital Works Fitting Replacement Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Toowoan Bay Rd Long Jetty	75,000	Aug 2010	45	50	Nov 2010	<p>Work is underway to replace numerous stop valves, hydrants and fittings on the 375mm and 250mm water trunk mains and 100mm water distribution main.</p> <p>The valves and fittings are being replaced to improve water supply operations in the area.</p> <p>This work is being funded by Water and Sewerage Capital Works Fitting Replacement Program.</p>
Lindsay St & Bonnieview St Long Jetty	305,132	Oct 2010	30	30	Dec 2010	<p>Work has commenced to relocate approximately 500m of 150mm UPVC water distribution main.</p> <p>The relocation of the water main forms part of the Roads &amp; Drainage upgrade work which includes the reconstruction of the kerb and gutter and construction of traffic islands, pedestrian refuges and a road hump.</p> <p>The water main works are expected to be completed by December 2010. Council will be providing potable water via temporary services in order to minimise supply interruption to the residents throughout the duration of the works.</p> <p>This work is being funded by Roads &amp; Drainage Capital Works Program.</p>

**SEWERAGE**

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Berkeley Vale Blue Haven Budgewoi Gorokan Killarney Vale Long Jetty Watanobbi Wyong	150,000	Jul 2010	20	30	Jun 2011	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>
Pacific St Long Jetty	30,000	Aug 2010	60	60	Oct 2010	<p>Work has commenced to replace 225mm AC sewer pipe with an equivalent sized PVC pipe.</p> <p>Council have been monitoring a temporary diversion around the existing sewer main whilst the developer carries out the replacement works.</p> <p>This work is being funded by the developer.</p>

**PROCESS****Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 to 30 September 2010 has met National Health and Medical Research Council Guidelines.

**Sewage Treatment**

All effluent discharged from the sewage treatment plants, for the period 1 to 30 September 2010 has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

<b>Monday, 18 October 2010</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	52,270	27.5	Down 37 ML
Mardi Dam	7400	5,371	72.6	Down 29 ML
Mooney Dam	4600	2,613	56.8	Down 78 ML
<b>Total</b>	<b>202000</b>	<b>60,254</b>	<b>29.8</b>	<b>Down 144 ML</b>
<b>CURRENT WORKS:</b>				
<ul style="list-style-type: none"> <li>Upgrade works essential for the long term secure operation of Mardi Dam and Central Coast water supply system are nearing completion. The works include the construction of a new intake tower, two pump stations and new pipelines at Mardi Dam.</li> </ul>				
<b>STORAGE:</b>				
<ul style="list-style-type: none"> <li>Total stored water volume is 0.2% lower than it was a month ago.</li> <li>This day last year the volume stored as a percentage of total capacity was 1.0% higher.</li> </ul>				
<b>HUNTER TRANSFERS:</b>				
<ul style="list-style-type: none"> <li>Hunter Water Corporation supplied 19.9 ML last week increasing this year's supply to 1157 ML.</li> <li>Gosford/Wyong supplied 0.0 ML to Hunter Water last week keeping this year's supply to 5.6ML.</li> </ul>				
<b>GROUND WATER BORES:</b>				
<ul style="list-style-type: none"> <li>Groundwater Bores supplied 12.0 ML last week increasing this years supply to 224.5 ML</li> </ul>				
<b>WATER USAGE &amp; RAINFALL</b>				
<b>Period</b>	<b>Water Usage [MI]</b>	<b>Rainfall [mm]</b>		
		<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>
Week to date	510	11	6	2
Previous week	490	18	13	26
Current week last year	503	3	5	1
This year to date	20,754	883	911	715
Same period last year	20,435	941	668	563
<p>Week to date consumption was 510 ML, 1.4% more than the same week last year and 4.1% more than the previous week.</p> <p>Consumption this year to date is 20,754 ML, 1.6% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 25 October 2010 is 552 ML</p>				

## ATTACHMENTS

Nil.



## 6.9 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02388807

MANAGER: Greg McDonald, Project Director–Mardi/Mangrove Link Project; Manager, Water and Waste Services  
AUTHOR: Daniel Kemp, Engineer

### SUMMARY

Report on status of Mardi to Mangrove Link Project.

### RECOMMENDATION

*That Council receive the report on Mardi to Mangrove Link Project Status.*

### PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

### CURRENT STATUS

Expenditure to date

\$62.7m

Project Estimate

\$120.6m

### Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
<b>Milestone 1:</b>		27 January 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		44%
Work Package 2 – Wyong River Pump Station	19 February 2010		45%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		75%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		80%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		35%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		35%

<b>Milestone 2:</b>		31 January 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		40%
<b>Milestone 3:</b>		6 May 2011	
Commissioning	1 February 2011		

NOTE: The following extensions of time have been approved due to inclement weather:

- Milestone 1 scheduled completion of 17 January 2011 has been extended to 27 January 2011.
- Milestone 3 scheduled completion of 25 April 2011 has been extended to 6 May 2011.

### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

### Land Matters

- Restoration has been practically completed and signed off by landholders on 14 properties.
- Key property and landholder issues at present are tree protection, mitigating impacts of pipe bridges and valves, noise from piling operations on pipe bridges, progress of construction access bridges, impacts from irrigation and power and phone lines being cut off during works.
- Construction licences have been extended for a further 3 months on all properties where works have not yet been completed.
- Negotiations for final landholder releases will commence this week.

- Additional compensation is being offered to landholders affected by pipe bridges and valves, now that designs for these structures has been finalised

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### Stakeholder Liaison

- Traffic updates continue to be revised to take on board requests for more detail. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- Project information was provided to Gosford and Wyong Councils for their regular news columns in the Central Coast Express Advocate focusing on the Bunning Creek Road bridge replacement.
- A story was provided to the *Rural Grapevine* and *Village Grapevine* focusing on environmental management in general and protecting platypus habitat as well as a project update highlighting progress to date.
- Letters were hand delivered to residents west of Bunning Creek Road bridge alerting them to the bridge replacement works. Residents were given an opportunity to raise any issues.
- The team responded to six resident letters/emails during September including one about traffic management and road safety, one regarding road maintenance and another regarding the technical specifications of pipeline valves. All efforts are made to respond in full within 10 days however this deadline is occasionally not possible where technical and other advice needs to be sought. An acknowledgement letter is provided if collating a response is likely to take more than three days.
- A giant billboard was created telling the story of the Mardi-Mangrove Link for the Flora Festival held in September. More than 2000 people visited the joint water authority tent with almost 400 completing a quiz based on the billboard for a chance to win a \$500 voucher toward a water saving device. The billboard will now be used at other community events and will be resized to update the existing shopping centre displays.
- During September, the Complaints Register had 22 entries – 11 of these came directly to the project office, six came via email to the project office, three were visits to the John Holland site office, one via the John Holland 1800 number and one was internal to the project team. Of the 22 entries, one was a complaint about a helicopter scaring horses which was not a project helicopter. The majority of concerns relate to road safety (22%) and delays (19%) followed by site safety (15%) and road maintenance (11%). Concerns about the environment, access and vibrations were next (7% each). Traffic management accounted for 4% while power / phone interruptions were raised by two callers.

The majority of complaints for September (32%) remain open as they require technical advice or further investigation. All have been acknowledged. Almost a quarter (24%) were resolved on the same day they were raised while all except one (5%) were handled within the 10 day target.

The key change from August to September is a significant drop in complaints about traffic management or insufficient information about traffic management falling from nine in August to one in September. This is likely due to the improved traffic updates now being issued with more detail.

Road safety is now the number one issue being raised by residents. A strategy to address this is being developed.

Complaints about access have also dropped (24% to 7%) reflecting improved communication between the contractor and land holders.

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### Incidents

- There have been no environmental or OH&S incidents during the last reporting period.

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### Major Achievements / Issues

- Approximately 7.8 km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid.
- Approximately 0.9 km of pipeline for the Wyong-Mardi Rising Main (Work Package 3) has been laid.
- The concrete structure of the break pressure tank is complete and the steel decking is now being fabricated. All four of the inlet pipes are installed with 2 out of the 4 pipes connected to the mains and hydrostatically tested.



Typical Pipeline Laying

### ATTACHMENTS

*Nil.*

## 6.10 Investments for September 2010

TRIM REFERENCE: f2004/06604 - D02389949

MANAGER: Cate Trivers Manager, Financial Services  
AUTHOR: Hannah Pulham, Finance Officer

### SUMMARY

The following report details Council's investments as at 30 September 2010.

### RECOMMENDATION

*That Council receive the report on Investments for September 2010.*

### BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, the Ministerial Investment Order issued in August 2008 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in Managed Funds which were permitted under the previous Minister's order, however are now held under the "grand father" provisions of the current Ministers Order. Additionally, the investments held in Blackrock Care and Maintenance Fund and ING Enhanced are subject to wind up and termination of fund processes. This was the result of the flow on effects of the global financial crisis in 2008 which saw fund liquidity drop which resulted in the termination of both the Blackrock and ING funds.

### CURRENT STATUS

In September 2010, the total net return was \$0.60m consisting of interest earnings \$0.37m and capital gains of \$0.23m.

**Table 1 Investment Portfolio by Risk Category**

	September 2010 \$ '000	Year-to-Date Returns		
		Total %	Interest Only \$ '000	Interest Only %
Cash at Call	157	9.81	218	9.81
Term Deposits	57,041	6.09	1,043	6.09
Cash Plus Funds	15	0.00	0	0.00
Cash Management Funds	12,384	22.10	56	1.86
Enhanced Income Funds	14,524	6.35	0	0.00
<b>Total Investments</b>	<b>84,121</b>	<b>8.54</b>	<b>1,317</b>	<b>5.41</b>

Returns of 8.54% (total) reflect WSC's capital recovery and compare favourably with the year-to-date UBSA Bank Bill Index of 4.86%.

## 6.10 Investments for September 2010 (contd)

Investment transactions and earnings during September 2010 are shown in Table 2 - Portfolio Performance.

**Table 2 Portfolio Performance**

	<b>July - August 2010 \$m</b>	<b>September 2010 \$m</b>	<b>Year to Date 2010-11 \$m</b>
<i>Movement in Assets</i>			
<b>Opening Balance</b>	<b>126.39</b>	<b>100.83</b>	<b>126.39</b>
Capital Gain/Loss – (see below)	0.56	0.23	0.79
Net Cash/Investments( Withdrawals)	(26.12)	(16.93)	(43.05)
<b>Closing Balance</b>	<b>100.83</b>	<b>84.13</b>	<b>84.13</b>
<i>Trading Position</i>			
Capital Gain/(Loss) Realised	-	-	-
Capital Gain/(Loss) Unrealised	0.56	0.23	0.79
Interest Earnings	0.94	0.37	1.31
<b>Total Return for Period</b>	<b>1.50</b>	<b>0.60</b>	<b>2.10</b>

### Interest Returns

Returns as at 30 September 2010 show the July shortfall against budget continuing. This variance is typical of the difficulty in matching budget with actual interest distribution revenue which is in the hands of the fund managers.

**Table 3 Interest Only Performance at 30 September 2010**

<b>Investment Source</b>	<b>YTD Budget \$ '000</b>	<b>YTD Actual \$ '000</b>	<b>Var. \$ '000</b>
General Fund	907	632	(275)
Water	685	568	(117)
Sewerage	357	203	(154)
<b>Total</b>	<b>1,949</b>	<b>1,403</b>	<b>(546)</b>

In September the lower overall interest return was due to timing, with minimal interest distribution from managed funds. The interest rates in the month on term deposits, other than a statutory \$9.9m deposit for Workcover, ranged from 5.70% to 6.40% and these rates exceeded the Union of Switzerland Australia (UBSA) bank bill index for September of 4.61%.

### Managed Funds

WSC has a \$26.9m invested in Managed Funds which are “grandfathered” investments under the Ministers Order. These investments in September made modest capital gains of \$0.23m but there was a minimal return from cash distributions for the month.

The creditworthiness of these investments remains satisfactory.

## 6.10 Investments for September 2010 (contd)

- Blackrock Care and Maintenance Fund \$8.1 m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. Income for September was \$226,313.
- ING Enhanced \$15,170 – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold.
- Macquarie Income Cash Plus \$14.5 m – Income for the month \$4,307.
- LGFS Fixed Out-Performance Cash \$4.3 m – Income for the month \$17,437.

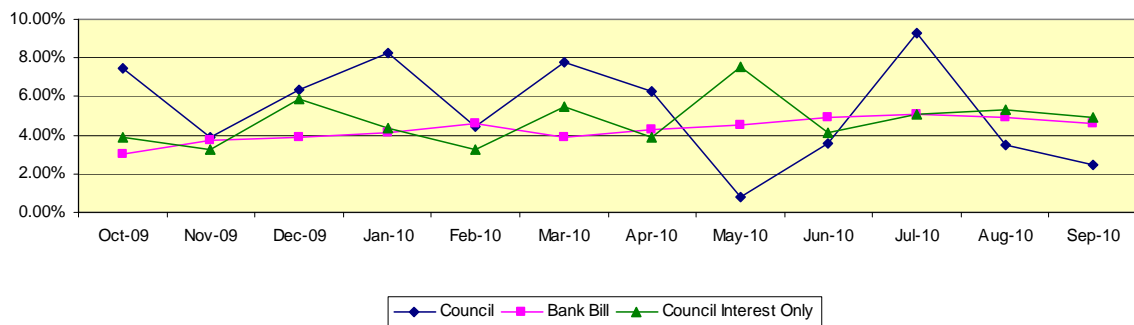
### Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the UBSA Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level.

A graph detailing the monthly return on a 12 monthly basis is as follows:

**Table 4 Monthly Annualised Returns (Interest and Capital Movements)**

#### Portfolio Performance Comparison to UBSA Bank Bill Index



**Council:** *Council Total Return (Interest and Capital)*  
**Bank Bill:** *UBSA Bank Bill Index*  
**Council Interest Only:** *Council Interest Earnings*

### INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 30 September 2010 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

### CONCLUSION

Council has significantly reduced its holdings in managed funds and must now seize every opportunity to add value to its considerable fixed term portfolio.

### ATTACHMENTS

- 1 Summary of Investments by Type as at 30 September 2010 D02389872

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 30 September 2010**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.8.10 \$	PORTFOLIO BALANCE 30.9.10 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
ANZ High Yield Cash Account (AA)	Daily	8,104,553	157,444	44,877	
Total Cash At Call		8,104,553	157,444	44,877	
<b>TERM DEPOSITS &amp; BONDS</b>					
T-Corp (WorkCover NSW)	02/09/2010	9,896,000	9,896,000	37,697	4.63
BankWest Term Deposit	06/09/2010	4,000,000	-	3,781	5.75
BankWest Term Deposit	20/09/2010	5,000,000	-	15,616	5.70
CitiBank Term Deposit	22/09/2010	5,000,000	-	17,208	5.71
BankWest Term Deposit	12/10/2010	5,000,000	5,000,000	24,658	6.00
ANZ Term Deposit	19/11/2010	5,000,000	5,000,000	24,658	6.00
SunCorp Term Deposit	26/11/2010	2,000,000	2,000,000	10,356	6.30
SunCorp Term Deposit	06/12/2010	3,000,000	3,000,000	15,164	6.15
ANZ Term Deposit	06/12/2010	3,000,000	3,000,000	14,671	5.95
Westpac Term Deposit	21/12/2010	5,000,000	5,000,000	24,164	5.88
BankWest Term Deposit	20/01/2011	5,000,000	5,000,000	24,452	5.95
Westpac Term Deposit	08/03/2011	-	5,000,000	18,082	6.00
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	5,000,000	26,301	6.40
SunCorp Term Deposit	22/06/2011	5,000,000	5,000,000	26,096	6.35
Westpac Deposit Bond	24/09/2012	4,150,956	4,144,800	23,654	5.13
Total Term Deposit & Bonds:		66,046,956	57,040,800	306,558	
<b>CASH PLUS:</b>					
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	15,116	15,170	54	
Total Cash Plus		15,116	15,170	54	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,895,534	8,121,848	226,313	
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	4,244,347	4,261,785	17,437	
Total Cash Management Funds		12,139,881	12,383,633	243,750	
<b>ENHANCED INCOME:</b>					
Macquarie Income Cash Plus (A)	Open Ended	14,519,510	14,523,817	4,307	
Total Enhanced Income		14,519,510	14,523,817	4,307	
<b>TOTAL</b>		<b>100,826,016</b>	<b>84,120,864</b>	<b>599,546</b>	



## **6.11 Conference Attendance - The Australian Local Government Womens Association - National Conference - Women Going Places**

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TRIM REFERENCE: F2004/06517 - D02401536

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Maggie Rowland, Administration Assistant

### **SUMMARY**

Council has received information in respect to the Australian Local Government Womens Association Inc – National Conference - Women Going Places - to be held from 25 – 27 November 2010.

### **RECOMMENDATION**

- 1 That Council authorise interested Councillors to attend the Australian Local Government Womens Association National Conference - Women Going Places Conference.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the Conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, a Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association Annual Conference. Reasonable expenses incurred in Councillors attending conferences will be met in accordance with that policy.

Details of conferences, seminars and external training sessions are provided for determination of Councillor Attendance.

### **THE PROPOSAL**

#### **The Australian Local Government Womens Association – National Conference - Women Going Places Conference**

The 2010 Australian Local Government Womens Association – National Conference - Women Going Places Conference will be held in North Ryde, NSW, between 25 and 27 November 2010.

The Conference will address issues relevant to all women – statistics on women and work, connecting with the community through social networking, the gender gap in retirement incomes, how to get the top jobs, the role of quotas and targets in solving gender inequity.

Councillor Matthews has expressed an interest in attending this conference.

**OPTIONS***Nil Impact.***STRATEGIC LINKS***Nil Impact.***Annual Plan***Nil Impact.***Contribution of Proposal to the Principal Activity***Nil Impact.***Link to Shire Strategic Vision***Nil Impact.***Financial Implications**

The table below indicates the cost for attendance at the Conference and associated travel expenses per Councillor:

<b>2010 Australian Local Government Womens Association Inc National Conference – Women Going Places Conference Attendance Costs</b>	<b>(\$)</b>
Registration both days – non member	\$600
Travel (Council vehicle)	\$120
Accommodation (based on approx \$185 per night)	\$370
Other disbursements (meals, taxis etc) say	\$500
<b>Total - estimate</b>	<b>\$1590</b>

**Principles of Sustainability**

As the topics covered at this conference will be addressing issues relevant to all persons interested in women's role in local government, including the launch of a National Mentoring Program.

**CONSULTATION**

The Facilities and Expenses Policy for Councillors has been advertised with no submissions received.

**GOVERNANCE**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending the conferences are met in accordance with that policy.

**CORPORATE RISKS**

*Nil Impact.*

**CONCLUSION**

The Conference listed would be of benefit to the professional development of Councillors and attendance is encouraged.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Australian Local Government Womens Association 2010 National conference - Women going Places | D02401533 |
|---|--|-----------|



# Conference Program

## Women Going Places-Ticket to Ryde

25-27 November 2010

NATIONAL CONFERENCE- THE AUSTRALIAN LOCAL GOVERNMENT WOMENS ASSOCIATION INC.  
Stamford Grand North Ryde, Epping Rd Macquarie Park NSW



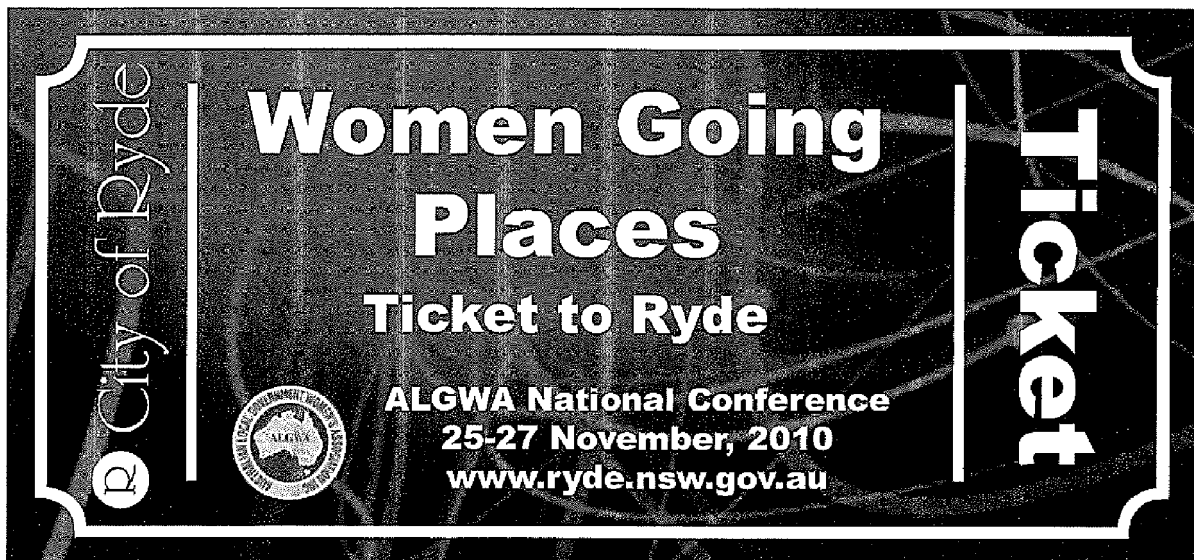
City of Ryde



2010 YEAR OF WOMEN  
IN LOCAL GOVERNMENT

CREATIVE | STRONG | INCLUSIVE | DIVERSE

<b>THURSDAY 25 NOVEMBER 2010</b>	
Brush Farm House, 19 Lawson Street, Eastwood	
6.30pm - 7.30pm	Mayoral Reception National Mentoring Program Launch
<b>FRIDAY 26 NOVEMBER 2010</b>	
Stamford Grand North Ryde, Epping Rd, Macquarie Park	
8.00am - 9.00am	Registration
9.00am - 9.30am	Opening - Darriea Turley - National President ALGWA Acknowledgement of Country, Bev Manton Welcome address: John Neish, General Manager, City of Ryde
9.30am - 10.00am	Keynote Speaker
10.00am - 10.30am	Keynote Speaker - "Nothing but the facts, Ma'am" - Barbara Pocock
10.30am - 11.00am	Morning tea - Sponsored by LGMA
11.00am - 11.45pm	Panel - "Local Government Stripped Bare"
11.45am - 12.15pm	Launch of Year of Women in Local Government booklet
12.15pm - 1.15pm	Lunch - Sponsored by IPA
1.30pm - 2.00pm	Social Networking - Connecting with the Community - Linda Jackson - TAFE NSW
2.00pm - 2.45pm	Q&A - 50:50 Gender equity - The way forward - Darriea Turley, Karen Purser and Ray Pincombe
2.45pm - 3.15pm	Keynote Speaker
3.15pm - 3.45pm	Afternoon tea - Sponsored by LGSA
3.45pm - 4.30pm	Simply Annette - Annette Symms
7.00pm - 7.30pm	Gala Dinner sponsored by Mission Australia and 50:50 Vision Councils for Gender Equity Awards
<b>SATURDAY 27 NOVEMBER 2010</b>	
Stamford Grand North Ryde, Epping Rd, Macquarie Park	
9.00am - 9.30am	Keynote Speaker - Anne Summers
9.30am - 10.15am	"Retiring to Nothing" - Eva Cox
10.15am - 11.00am	"The role of quotas and targets in solving gender equity" - Claire Braund
11.00am - 11.30am	Morning tea sponsored by USU
11.30am - 12.15pm	Keynote Speaker
12.15pm - 1.00pm	State of the Nation - National Round-up - Darriea Turley
1.00pm - 2.00pm	Lunch sponsored by Heart Foundation and presentation of the Go Red for Women Leadership Award
2.00pm - 2.45pm	Educating Rita - Adele Horin
2.45pm - 3.15pm	Keynote Speaker - Gender Equity & the barriers in the Political Environment - Pru Goward -f
3.15pm - 3.40pm	Conference Round Up - Where to from here, the journey continues
3.40pm - 4.00pm	National ALGWA Annual General Meeting
4.00pm	Site visit new Library (PPP) and Ryde Town Centre Upgrade Tour. Afternoon tea
6.30pm	Conference ends



25-27 November 2010

## NATIONAL CONFERENCE

THE AUSTRALIAN LOCAL GOVERNMENT WOMENS ASSOCIATION INC  
Stamford Grand North Ryde, Epping Rd Macquarie Park NSW



2010 YEAR OF WOMEN  
BY LOCAL GOVERNMENT

### Key Themes:

- Nothing but the facts, Ma'am. Statistics on women and work
- Social Networking - Not what you know but how many contacts
- Retiring to Less: The gender gap in retirement incomes
- Educating Rita: women are more educated now, how to get the top jobs
- The role of quotas and targets in solving gender inequity

### Events include:

- Mayoral Welcome Reception
- National Gender Equity Awards
- Conference Gala Dinner
- National Mentoring Program Launch
- ALGWA General Meeting
- Site visit to Top Ryde Library and experience the urban revitalisation of Top Ryde City

### Guest Speakers

#### Anne Summers

Best-selling Author and Journalist

#### Barbara Pocock

University of South Australia  
Director - Centre for Work and Life Balance

#### Claire Braund

Executive Director, Women on Boards

#### Adele Horin

Columnist and Reporter for The Sydney Morning Herald

#### Darrlea Turley

ALGWA National President

#### Pru Goward MP

Member for Goulburn  
Shadow Minister for Community Services  
Shadow Minister for Women

#### Eva Cox

Feminist and Social Activist

#### Major Sponsors



City of Ryde



Mission Australia  
TRANSFORM

#### Platinum Sponsors



#### Silver Sponsors





Please complete all sections of registration form and payment options and email immediately to:  
cityofryde@ryde.nsw.gov.au or fax to City of Ryde, attention Claire Czornij (02) 9952 8070 or post to Locked  
Bag 2069, North Ryde NSW 1670

Title: Mr  Mrs  Miss  Ms  Other

Family Name:  First Name:

Name Badge:

Organisation:  Position:

Address:

State:  Postcode:

Mobile:  Telephone:

Facsimile:  Email:

**Child Care Requirements**

Do you require? Yes  No

Special requirements (eg dietary, access etc):



### Registration Fees and Payment

(Please tick to indicate your requirements)

Name:

	Early Bird Rate <small>(payment before 25 October 2010)</small>	Standard Rate <small>(payment after 25 October 2010)</small>
<b>Member:</b>		
Member Full Conference	<input type="checkbox"/> \$495	<input type="checkbox"/> \$550
Member Friday only	<input type="checkbox"/> \$250	<input type="checkbox"/> \$280
Member Saturday only	<input type="checkbox"/> \$250	<input type="checkbox"/> \$280
<b>Non-Member:</b>		
Non-Member Full Conference	<input type="checkbox"/> \$545	<input type="checkbox"/> \$600
Non-Member Friday only	<input type="checkbox"/> \$285	<input type="checkbox"/> \$320
Non-Member Saturday only	<input type="checkbox"/> \$285	<input type="checkbox"/> \$320

### Delegates optional activities and accompanying Guest tickets per person

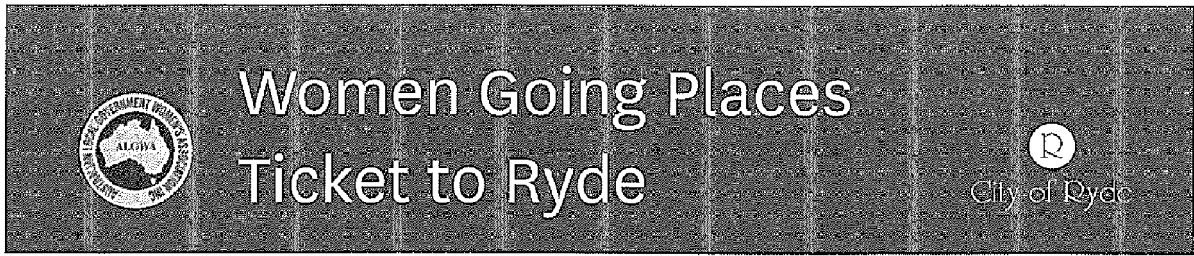
Welcome Reception - Thursday 25 November 2010  
Brush Farm House, Eastwood - Hosted by the City of Ryde

Nil

Formal Dinner - Friday 26 November 2010  
Stamford Grand, North Ryde  
Includes 3 course meal, drinks and entertainment

\$130 (exc. GST)

Total registration payment:



<input type="checkbox"/> I will be paying by cheque		<input type="checkbox"/> I will be paying by credit card.
<p align="center"><b>PAYMENTS BY CHEQUE</b></p>		<p align="center"><b>PAYMENTS BY CREDIT CARD</b> Please note that this payment is subject to a merchant fee surcharge.</p>
<p>Mail this form together with cheque payable to:</p> <p>City of Ryde:</p> <p>Attention: Claire Czornij City of Ryde Lock Bag 2069 North Ryde NSW 1670</p>		<p>Mail this form to:</p> <p>City of Ryde: Attention: Claire Czornij City of Ryde Lock Bag 2069 North Ryde NSW 1670</p> <p>Type of Card:  <input type="checkbox"/> Mastercard    <input type="checkbox"/> Visa             </p> <p>Card Number:</p> <p><input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Expiry Date:</p> <p><input type="text"/></p> <p>Name on Card:</p> <p><input type="text"/></p> <p>Total amount:</p> <p><input type="text"/></p> <p>Signature:</p> <p><input type="text"/></p> <p><b>Disclaimer</b></p> <p>If you include information about your credit card on this payment slip Council will not accept any responsibility for events arising from unauthorised access to the information you provide.</p> <p><b>Your Privacy</b></p> <p>In completing this form you will be prompted to supply information that is personal information for the purposes of the Privacy and Personal Information Act 1998. The supply of this information is voluntary. If you cannot provide, or do not wish to provide the information sought, the Council may be unable to process your request. Council is required under the Act to inform you about how your personal information is being collected and used. If you require further information please contact Council's Customer Service Centre on 9952 8222 and ask for an information sheet to be forwarded to you.</p>
<p align="center"><b>CANCELLATION POLICY</b></p>	<p align="center"><b>DRESS CODE</b></p>	
<p>Refunds less 25% will be granted for written cancellations up to 21 days prior to the conference.</p> <p>There will be no refunds after this time.</p> <p>Substitutions are allowed up to 48 hours prior to the event.</p>	<p>Conference: Smart Casual Dinner: Smart Casual</p>	



## **6.12 Outstanding Questions without Notice and Notice of Motions**

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TRIM REFERENCE: F2010/00009 - D02395360

MANAGER: Lesley Crawley, Manager Governance and Administration  
AUTHOR: Jacquie Elvidge, Administration Assistant

### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions without Notice and Notice of Motions.*

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Table of Outstanding Questions without notice & Notices of Motion - 27 October 2010 | D02395368 |
|---|---|-----------|

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	<p>326 - National Natural Disaster Funding</p> <p>1 That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</p> <p>2 That the Local Government Association via its annual conference be invited to support this initiative</p> <p>3 That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</p>	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the coastline hazard study has been completed and the Coastline Management Plan has been prepared.</p>
Shire Planning	<p>298 The Long Jetty Commercial Options Initiative</p> <p>1 That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption. The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</p> <p>2 That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</p>	25 June 2008 Cr Best / Cr Eaton	<p>Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. The Masterplan project is expected to commence in 2011/2012.</p>
Shire Planning	<p>8.2 - Notice of Motion – Possibility for the Establishment of an environmental Committee</p> <p>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee. The report should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• The Terms of Reference (charter, roles, responsibilities and function);</li> <li>• Possible membership</li> <li>• Whether it should be a committee or Council;</li> </ul> <p>and</p> <p>Report on environment committees that have been established in other Council areas, their roles, functions and achievements</p>	9 September 2009 Cr Wynn / Cr Best	<p>This item has been superseded by the service delivery review with its recommendation to establish a strategic sustainability committee which will be included in the Committee Review.</p>

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <ol style="list-style-type: none"> <li>1 That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</li> <li>2 That the draft policy be written to apply to major residential, commercial and industrial development.</li> <li>3 That the provisions of the policy include:               <ol style="list-style-type: none"> <li>a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</li> <li>b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</li> <li>c a focus on buildings located within town centres and on major roads within the Shire.</li> </ol> </li> <li>4 That the draft policy be reported back to Council for consideration</li> </ol>	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.
Shire Planning	<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <ol style="list-style-type: none"> <li>1 That Council recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</li> <li>2 That Council receive a report on the establishment of a Mediation process. The report should include the following:               <ol style="list-style-type: none"> <li>a A review of "best practice" mediation committees / mediation processes operating elsewhere.</li> <li>b A review of practices / procedures / committees operating in adjoining Councils.</li> <li>c The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.</li> </ol> </li> </ol>	10 February 2010 Cr Eaton / Cr Graham	This item has been included in the Legal and Policy Works Program to commence mid 2010.

Department	Question Asked / Councillor	Meeting Asked	Status
Legal and Risk	<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor</p> <p>1 That Council <u>invite</u> tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.</p> <p>2 That Council receive quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought</p>	10 February 2010 Cr Eaton / Cr Graham	<p>Internal legal Counsel has been appointed.</p> <p>Quarterly Reporting will commence from 8 December 2010 Council Meeting.</p>
Shire Planning	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <p>1 That Council <u>write</u> to all property owners affected by the State Governments sea level rise policies (ie 40 cm by 2050 and 90 cm by 2100).</p> <p>2 That the text of the letter be endorsed by Council</p>	24 February 2010 Cr Eaton / Cr Graham	Legal advice received. Letter drafted. Work proceeding to identify affected properties.
Shire Planning	<p>9.2 - Notice of Motion – Economically and Environmentally sustainable Living – Demonstration House</p> <p><i>That staff provide an integrated report on the extent of possibilities and overall feasibility of developing a Sustainable Living Demonstration House located in one of the developing areas of the Shire. The Demonstration house would include smart, sustainable technologies and be as close to self sustaining as possible. The House would be used to educate the community on Sustainable Living and to promote the use of innovative and cost effective sustainable features to the local development industry. Further Council recognises any such initiative must also be in clear partnership with the broader community and its peak community organisations while leveraging off existing highly successful sustainability programs such as Council's Sustainability Street</i></p>	24 February 2010 Cr Best / Cr McNamara	Report has been prepared and will now be submitted to 10 November 2010 Council meeting to allow time for review by senior staff.

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	<p>10.1 - Notice of Motion – LDO Coal Chain Valley Bay Colliery</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1 <u>Take</u> all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas.</li> <li>2 <u>Request</u> that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.</li> <li>3 <u>Seek</u> an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal.</li> <li>4 <u>Inform</u> the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan.</li> <li>5 <u>Conduct</u> an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate repair, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal.</li> <li>6 Have LDO Coal <u>seek</u> alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road.</li> <li>7 <u>Nominate</u> a Councillor delegate as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group.</li> </ol>	10 March 2010 Cr Wynn / Cr Vincent	Point 7 has now been addressed by the appointment of a staff delegate to the Chain Valley Coal Project Stakeholder Reference Group.

Department	Question Asked / Councillor	Meeting Asked	Status
Corporate Services	<p>8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course</p> <ol style="list-style-type: none"> <li>1 <i>That Council note the closure of the long-established public access to the coast through the golf course at the northern end of the course resulting from the locking, by the Club, of the gate at this location.</i></li> <li>2 <i>That Council request the General Manager to provide a detailed report on the arrangement between the Tuggerah Lakes Golf Club and the Shelly Beach Recreation and Flora (R73287) Reserve Trust</i></li> <li>3 <i>That Council seek legal advice, through a report from staff, on the issues affecting the public's right of access to the Tuggerah Lakes Golf Course including, but not exclusively so:-</i> <ol style="list-style-type: none"> <li>a <i>What rights, are accorded to the general public.</i></li> <li>b <i>Council's ability, or otherwise, to enforce the public's right of access.</i></li> <li>c <i>Establishing what is a reasonable and lawful interpretation of "proper purpose".</i></li> <li>d <i>Council's liabilities in terms of the safety issues and in terms of protecting the assets.</i></li> <li>e <i>Council's obligations to ensure the Club protects the public appropriately from the risks of access.</i></li> <li>f <i>What rights, if any, are accorded to the adjacent neighbours</i></li> <li>g <i>The relevance and quality of the existing lease as an appropriate commercial arrangement.</i></li> </ol> </li> <li>4 <i>That Council formally advise the Tuggerah Lakes Golf Club that it does not support the recent closure of the gate at the northern end of the course and request the Club to reopen the gate.</i></li> </ol>	14 April 2010 Cr Eaton / Cr Best	A report will be prepared for Council's consideration once legal advice has been received.

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Services	<p>7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)</p> <p>1 That Wyong Shire Council <u>build partnerships</u> with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document and community assets consistent with the objectives of the Shire Strategic Vision, including but not limited to halls, community gardens, sporting facilities etc through community fund raising. Funds raised by the Community must be matched by Council on a ratio of 1:2. Community must raise a threshold amount of \$10,000 before work on a section would be placed into the forward rolling works program. These projects would be over and above the existing planned works. There would be a limit of \$300,000 per annum dedicated to the scheme by Council.</p> <p>2 That Council <u>consider</u> the inclusion of this scheme in the 2011 – 2012 Management Plan or during the Quarterly Review if the opportunity arises.</p> <p>3 That Council <u>advertise</u> the Scheme widely multiple times throughout the year.</p> <p>4 That Council staff develop a set of guidelines for consideration of these projects and <u>submit</u> to Council for adoption.</p>	12 May 2010 Cr Wynn / Cr Vincent	As a result of the Councillor briefing on 28 July 2010 staff must consult with community groups on the matching fund guidelines prior to reporting to Council. Aim to report guidelines to Council by year end.
Shire Planning	<p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p>That Council staff <u>report</u> on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</p>	12 May 2010 Cr Eaton / Cr Best	Consultants have been engaged to provide a viability assessment and once the results are available they will be provided to Council.
General Manager's Unit	<p>9.3 - Notice of Motion – Central Coast Tourism Annual Funding</p> <p>1 That Council <u>congratulate</u> Central Coast Tourism Inc (CCTI) on the restructuring, rebranding and improved servicing of the important local tourism industry.</p> <p>2 That Council in recognition of such improvement <u>review</u> CCTI core operational funding.</p> <p>3 That Council <u>receive</u> a briefing on 23 June 2010 with CCTI to discuss operational issues with a report to 23 June 2010 meeting documenting service improvements identifying how operational funding from Council should be improved to around \$150,000 (excl GST) per annum.</p>	26 May 2010 Cr Webster / Cr Graham	<p>The Finance Section has been advised to include additional \$55,000 expenditure in the budget during the September Budget Review (as this resolution was after the adoption of the 2010-11 Annual Plan).</p> <p>A Memorandum of Understanding for 2010-11 has been drafted addressing funding, reporting and implementation of the Destination Management Plan. Central Coast Tourism advised on 18 August 2010 that they are reviewing the draft document.</p>

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>That staff investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Eaton	A response is being prepared for the first meeting in November with a Council Briefing for the same day.
Shire Services	8.3 - Notice of Motion – Council's Opposition to Commercial Whaling 1 <i>That Council reaffirm its strident opposition to the prospect of the reintroduction of commercial whaling, in particular the recent push to include humpbacks in the cull in the Antarctic Marine Sanctuary.</i> 2 <i>That Council thank the Federal Government and our Federal local members for their strong opposition to this outrageous activity and further commend the Federal Government's initiative of legal action in the international courts.</i> 3 <i>That Council also congratulate the organisers and supporters of this year's Community Whale Dreamers Festival held at the Norah Head lighthouse on Sunday 4 July for their highly successful and outstanding community event.</i> 4 <i>That Council consider a report, compiled in conjunction with the organisers of the Whale Dreamers Festival key stake holders including the Norah Head Lighthouse Reserve Trust, outlining key issues, costs and administrative activities associated with Council considering this event in Council's community calendar of events.</i> 5 <i>That Council formulate a suitable resolution supporting whale conservation for inclusion at the upcoming State and National Local Government Association Conferences.</i>	14 July 2010 Cr Best / Wynn	This report will now be submitted to the 10 November instead of the October as previously advised in order to allow time to organise meetings with the key stakeholders.
Shire Planning	6.4 – Bicycle Racks on Buses 1 <i>That Council report on a proposal for a pilot plan that identifies some suitable routes and a timetable to trial bicycle racks on buses and forward this to the NSW State Transport and our local bus companies advocating for the trial.</i> 2 <i>That Council seek grant funding for this initiative.</i>	28 July Cr Wynn / Best	A report will be prepared for 24 November 2010.



Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	<p>7.2 - Notice of Motion - Lakes Contamination</p> <ol style="list-style-type: none"> <li>1 That further to Staff's Report 6.5 dated 28 July 2010 and the subsequent confirmation that raw sewerage has entered the lakes system on a number of occasions over the last 12 months, staff urgently report to Council on the background.</li> <li>2 That the report should cover but not be limited to contamination sources, frequencies, reporting procedures/policies, reporting breaches, public health issues/warnings and remedial actions.</li> <li>3 That Council confirm on whether the current lake's testing program can distinguish between contamination sources, i.e. human/wildlife, staff report what options are available to streamline and improve the current testing regimes.</li> <li>4 That as more rigorous testing programs are unbudgeted staff investigate what funding programs/options that may be available through the assistance of State and Federal Government Agencies to assist with this important public health issue.</li> </ol>	11 August 2010 Cr Best / Eaton	Report drafted and currently being reviewed by staff in both Shire Planning and Shire Services. Report now to be submitted to 10 November 2010.
Shire Planning	<p>U21/10 - Motion of Urgency - Proposed State Environmental Planning Policy (SEPP)</p> <ol style="list-style-type: none"> <li>1 That the Department of Planning be requested to extend the public exhibition for the proposed amendment to Schedule 3 of State Environment Planning Policy (Major Development) 2005 at Gwandalan and Catherine Hill Bay to 30 September 2010 to provide sufficient time for the community to have input into this significant proposal.</li> <li>2 That Council undertake a local media campaign to ensure that the community is made aware of the many significant issues associated with this proposal.</li> <li>3 That Council write to the Department of Environment and Climate Change and Water (DECCW) and ask for its views on this proposal.</li> <li>4 That Council raise its concerns about this proposal and make representations to the following: <ul style="list-style-type: none"> <li>• The Honourable Kristina Keneally, MP, Premier</li> <li>• The Honourable Tony Kelly, MLC, Minister for Planning, Minister for Infrastructure, Minister for Lands, Deputy Leader of the Government in the Legislative Council, Leader of the House in the Legislative Council</li> <li>• The Honourable Frank Sartor, MP - Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer)</li> <li>• Mr Robert Coombs, MP - Member for Swansea</li> </ul> </li> </ol>	11 August 2010 Cr Wynn / Symington	<p>Letters issued as requested. Council received a response stating that the requested extension was not approved.</p> <p>Communications prepared a media release for Council's website.</p> <p>Council has received a copy of DECCWS submission to the proposal. This was circulated to councillors via a business update on 13 September 2010. A copy of this will also be included in information report to council once responses have been received from the representations made in resolution number 4.</p>

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Planning	<p>10.1 – Notice of Motion – University Parking Solutions</p> <p><i>That Council staff in conjunction with Ourimbah University report on the current parking situation at the University and solutions to ensure adequate parking now and in the future to cope with student and staff growth</i></p>	25 August 2010 Cr Eaton / McNamara	A report will be submitted to a Council meeting in November 2010.
Shire Services	<p>10.2 – Notice of Motion – San Remo Disability Friendly Xtreme Sports Park</p> <p>1 <i>That Council consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport Park to determine the model for ongoing activation of this valuable community asset.</i></p> <p>2 <i>That Council, following initial community consultation, conduct an on-site meeting to understand the potential for the site.</i></p> <p>3 <i>That Council consider a report on the outcome of the above, including the financial and resource implications to Council.</i></p>	25 August 2010 Cr McBride / Wynn	Community consultation program scheduled over the coming 4 months. Report back to Council in January in time to influence rolling works and budget for 2011/12.
Shire Services	<p>8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling</p> <p>1 <i>That Wyong Shire Council introduce a fluorescent light globe and battery recycling program for a 1 year trial after which time a report is to come back to Council outlining the success or otherwise of the program and its cost.</i></p> <p>2 <i>That Wyong Shire Council enable this recycling to occur by providing suitable collection sites</i></p>	8 September 2010 Cr Wynn/ Vincent	A report will be submitted to Council once the feasibility of this program has been investigated.

Department	Question Asked / Councillor	Meeting Asked	Status
General Managers Unit	<p>U22/10 Motion of Urgency - Central Coast Region Accessing the Regional Infrastructure Fund</p> <p>1 <i>That Council liaise with the Federal Minister for Regional Development with a view to the Federal Government recognising the Central Coast as a region and accessing the new \$9.9 billion Regional Infrastructure Fund.</i></p> <p>2 <i>That Council approach all Local Federal Members to support this approach.</i></p> <p>3 <i>That Gosford City Council be copied in on this motion and requested to pass a complementary resolution with the view to making a joint regional submission.</i></p>	8 September 2010 Cr Eaton/Best	<p>22 Sep 2010 - Letters sent to Hon Simon Crean MP, Minister for Regional Australia, Ms Jill Hall MP, Federal Member for Shortland, Mr Craig Thomson MP, Federal Member for Dobbell, Mr Chris Holstein, Mayor Gosford City Council and Mr Anthony Dow, Executive Officer Regional Development Australia, Central Coast NSW. The letter drew their attention to Council resolution of 8 September 2010 and asked for further information and support of Council in gaining access to the \$9.9 billion Regional Infrastructure fund. Further report to follow when additional information is received.</p> <p>5 Oct 2010 - Letters sent to local MPs, Minister for Regional Australia and RDA Central Coast seeking further information about applying for funding under this program, to date no further correspondence has been received.</p>

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Services	<p>10.1 Notice of Motion - Efficiencies and Power Pricing Options</p> <p>1 That Council <u>note</u> with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.</p> <p>2 Further that Council, as a matter of urgency, <u>seek</u> a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.</p> <p>3 That Council, as an advocate on behalf of our residents and rate payers, <u>seek to establish</u> an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.</p> <p>4 That staff <u>report</u> to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.</p> <p>5 That staff <u>report</u> to Council on the affect on energy bills of installation of smart meters.</p>	13 October 2010 Cr Best/ Wynn	A formal briefing with Energy Australia to be arranged.  Reports to follow after briefing.
Shire Services	<p>Q104/10 Update on Role of Wyong Shire Council Life Guards in Regards to Water Safety Education</p> <p>"Given the report released today by the Royal Life Saving Society of Australia, could a councillor update be provided on the role of Wyong Shire Council Life Guards in water safety education?"</p>	22 September 2010 Cr McBride	A response will be submitted to Council on 10 November 2010 Ordinary Meeting.
Corporate Services	<p>Q106/10 Question to RTA Regarding Strata Compensation due to Road Works</p> <p>"Wyong Shire Council please clarify with the RTA that properties that have a strata title are not entitled to just compensation when affected by any road works that impinge on their properties?"</p>	22 September 2010 Cr Wynn	An answer will be reported to Council upon receipt of the advice from the RTA
Corporate Services	<p>Q107/10 Water Leakage on Ratepayers property</p> <p>"Could staff please advise whether the policy applicable to accidental water leakage on a ratepayers property is a local policy or a state policy and how can Council assist with excessive bills?"</p>	13 October 2010 Cr Webster	A response will be submitted to Council on 24 November 2010 Ordinary Meeting.

Department	Question Asked / Councillor	Meeting Asked	Status
Shire Services	Q108/10 Swimming areas at Gwandalan and Mannering Park <i>"In relation to the swimming areas at Gwandalan and Mannering Park, could staff report on the current condition and future requirement and/or replacement of the nets?"</i>	13 October 2010 Cr Symington	A response will be submitted to Council on 24 November 2010 Ordinary Meeting.
Corporate Services	Q109/10 Regional Hospital Cutbacks <i>"It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?"</i>	13 October 2010 Cr Best	A response will be submitted a future meeting of Council.
Shire Planning	Q110/10 Bus Services in our Shire's North <i>"A recent significant transport announcement was made by the State Government with regard to improving bus services and scheduling. This timely announcement is welcomed by the broader community, however could you please have staff confirm as to exactly what increased services residents and ratepayers will now enjoy north of the Wyong Township?"</i>	13 October 2010 Cr Best	A response will be submitted to Council on 8 December 2010 Ordinary Meeting.

### Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
Q101/10 - Public Toilet Facilities at Ourimbah	8 September 2010	Response included in this Business Paper.
Q102/10 - Installation of Community Crossing along Gorokan Drive, Lake Haven	8 September 2010	Response included in this Business Paper.
Q103/10 - Evans Road Pathway Construction Program	22 September 2010	Response included in this Business Paper.
<p><b>7.3 - Notice of Motion – Wamervale Road Commencement</b></p> <p>1 That Council <i>thank</i> the Member for Wyong, Mr David Harris MP for securing the State Grant of \$2m towards construction costs of the Wamervale entry road.</p> <p>2 That Council <i>urgently proceed</i> to construct the entry road <i>subject to confirmation of contributions to be paid by Landcom and Woolworths equivalent to the length of the road over their landholdings but generally in accordance with the following percentages:</i></p> <p>Wyong Shire Council 8% approx \$288,000  Landcom 56% approx \$2,016,000  Woolworths 18% approx \$648,000  Sec 94-Half Road Fronting Railway 18% approx \$648,000  Total 100% approx \$3,600,000</p> <p>*Based on a cost of \$5.6m for Stage 1 of the entry road and allowing for the grant of \$2m. The final figure is subject to the completion of design.</p>	28 April 2010 Cr Eaton / Cr Best	<p>Recommendation 1 has been completed.</p> <p>Recommendation 2 - council is no longer proposing to construct the road. WSC is an applicant for part 5 but Landcom are likely to tender out construction as per Wyong Town Centre. PCG agreements and outcomes.</p>

## **7.1 Answers to Question Without Notice**

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TRIM REFERENCE: C2010/05383 - D02363050

AUTHOR: Danielle Dickson, Manager, Customer & Community Services  
MANAGER: Brett Sherar, Manager Open Space and Recreation

### **7.1 Q101/10 - Public Toilet Facilities at Ourimbah**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 8 September 2010:

*"I understand the nissen hut opposite the shops at Ourimbah is shortly to be relocated by Ourimbah University effectively closing the only public toilets in this area. Can staff advise if there are any plans to replace/rebuild these important facilities?"*

The "Nissen hut" is known as the Ourimbah Hall and is owned by the University of Newcastle Central Coast Campus.

A Development Application has been lodged seeking consent for the dismantling and relocation of the "hanger" building (also known as a Nissen hut) and demolition of the detached toilet block. The "hanger", recognised as a heritage building, is intended to be re-assembled using as much of the existing structure as possible in the main Ourimbah campus of the University of Newcastle as an educational facility. The detached toilet block does not possess any historic value and therefore is not heritage listed.

The existing structure is located on land owned by the University of Newcastle. Whilst Council currently cleans, stocks and maintains the toilet as a public facility, it remains the property of the University of Newcastle. The toilet block is not locked.

If approval is given for the University to demolish the current toilet block without the installation of a new facility on the same site, there will be no public toilet facilities on the western side of the railway line.

The nearest public toilet is located at Sohier Park Ourimbah, on the eastern side of the railway line, approximately 400m walking distance from the pedestrian crossing over the railway pedestrian bridge. This facility is open from sunrise to sunset.

There are toilet facilities on the Ourimbah railway station, which are open from 6.30am to 9.30am and from 12.30pm to 1.30pm.

At this time, no funding is available to replace the current toilet facility should it be demolished.

## **ATTACHMENTS**

*Nil.*

## **7.2 Answers to Question Without Notice**

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TRIM REFERENCE: C2010/05306 - D02384252

AUTHOR: Andrew Pearce, Manager Roads and Drainage

### **7.2 Q102/10 - Installation of Community Crossing along Gorokan Drive, Lake Haven**

The following question was asked by Councillor Best at the Ordinary Meeting on 8 September 2010:

*"Mr General Manager,*

*I have been approached by the good folk of Lake Haven, in particular the Gorokan Drive area, highlighting the extreme difficulty and risk they undertake daily to cross busy Gorokan Drive from the designated bus stop.*

*This is particularly worrying for the elderly who understandably frequent this route via public transport.*

*They seek Council's consideration of a centre island safety zone to assist them in staging their road crossing, in particular for those who are aided by walking devices.*

*I attach correspondence from Mrs White, one of the local residents."*

This request involved the matter of crossing Lake Haven Drive, near its intersection with Gorokan Drive.

Council receives numerous requests for the installation of traffic and pedestrian safety facilities. Projects are prioritised against available funding based upon criteria including traffic and pedestrian volumes, any accident history, vehicle speed, and sight distances. The expenditure of money on the construction of traffic facility assets results in a corresponding reduction in the amount of money available for asset renewal.

Over the years Council has committed considerable money to the construction of new traffic facility assets to improve safety which results in a corresponding reduction in money being available for asset renewal work. Pedestrian safety projects committed this financial year include pedestrian safety upgrades outside Kanwal Public School, pedestrian refuges at Acacia Ave and Clarence Street, Lake Munmorah and various pedestrian improvements within the roads and carparks of the Toukley Town Centre.

A request for the installation of pedestrian facilities on Lakehaven Drive was recently considered at 4 August 2010 meeting of the Traffic Committee. The recommendation from this meeting was as follows:

*"That the request for pedestrian facilities on Lake Haven Drive be referred to Council's Roads and Drainage Unit for inclusion on a future works program, having regards to the current Local Area Traffic Management \*(LATM) Program for this location."*



## **7.2 Q102/10 - Installation of Community Crossing along Gorokan Drive, Lake Haven (contd)**

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Council has previously prepared a LATM for the Gorokan residential area which identifies the placement of various traffic facilities to be timed with future road upgrade and renewal works. Under the LATM proposal a roundabout was proposed in Lake Haven Drive at the Gorokan Drive intersection, which incorporated pedestrian refuge within the splitter islands on the approaches to the roundabout. It is noted that construction of a roundabout at this location currently represents a low priority relative to funding availability.

A previous assessment involving pedestrian and traffic counts on Lake Haven Drive south of Gorokan Drive was carried out in 2007. It was resolved there was insufficient activity to warrant installation of a device at that location.

It is proposed to investigate the location with updated pedestrian and traffic counts, so an updated assessment can be made against the criteria to determine the priority of constructing a pedestrian refuge on Lake Haven Drive in the vicinity of the bus stop immediately to the north of Gorokan Drive.

Based upon the outcomes of this assessment, consideration will be given to incorporating the construction of a centre island safety zone and associated pedestrian improvement works, estimated at \$15,000, into Council's future capital works program.

Mrs White will be notified of the result when a decision is made.

### **ATTACHMENTS**

*Nil.*

### **7.3 Answers to Question Without Notice**

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TRIM REFERENCE: F2010/00500 - D02371487

AUTHOR: Stephen Dignam, Assets and Planning Manager – Roads and Drainage

#### **7.3 Q103/10 - Evans Road Pathway Construction Program**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 22 September 2010:

*“Could staff please advise on the timings on the construction program to complete the first half of the Evans Road Pathway that is budgeted for in the 2010/11 Annual Management Plan”.*

The Evans Road project originally consisted of approx 750m of 1.2 wide concrete footpath between the southern end of Evans Road at the entry to the Wyrabalong National Park, to Village Way. The project was to be constructed in two sections over the next two financial years.

Recently Council received 50/50 Grant funding from the RTA to complete a shared pathway (2.5m wide) on Evans Road from the southern end to Oleander Street within the current financial year. The extra funding means that Council can now complete both stages this financial year including the widening of the existing 1.2m wide path between Village Way and Oleander Street. The extra width required has necessitated a survey and design be completed prior to construction due to the physical constraints of the area.

Therefore at this point a firm timeframe cannot be given however Roads and Drainage staff are confident of completing the project prior to the end of the current financial year.

#### **ATTACHMENTS**

*Nil.*

27 October 2010

To the Ordinary Meeting

Councillor

## **8.1 Notice of Motion - Lake Audit on Power Station Effects**

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TRIM REFERENCE: F2004/08174 - D02386912

AUTHORS: Cr Doug Eaton, Cr Sue Wynn

Councillor S Wynn and G Best have given notice that at the Ordinary Meeting to be held on 27 October 2010 they will move the following Motion:

*“That Council **request** the NSW State Government conduct a comprehensive audit of the power industry’s environmental impact on Lake Macquarie and Lake Munmorah.*

*That Council **request** the State Government ensure the audit identified any consequent health risks to the residents in the surrounding locale.*

*That Council **recommend** the audit be funded from the dividend extracted from the industry by the NSW Government.”*

## **8.2 Notice of Motion - Acknowledgement of the Darkinjung People**

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TRIM REFERENCE: F2004/06248 - D02400194

AUTHORS: Cr Emma McBride, Cr Lisa Matthews

*Councillors E McBride and L Matthews* have given notice that at the Ordinary Meeting to be held on 27 October 2010 they will move the following Motion:

*“That Wyong Shire Council, on behalf of the people of Wyong Shire, acknowledge and honour the Darkinjung as the Shire’s first people.*

*That Wyong Shire Council recognises the Darkinjung as the traditional custodians and occupants of the land in Wyong Shire and their spiritual, social, cultural and economic relationship with their traditional lands and waters which make a unique and lasting contribution to the identity of the Shire.”*